



SVR
VEY

INCE.



A N. M. D. XLVI.

CTo the reader.

When I had printed the booke longynge to
a Justice of the peare, togethere with other
small bookes very necessarie, I bethoughte me
vpon this booke of Surueynge, compyled
sometime by master Fitz herberde, howe good
and howe profitable it is for all states, that
be lordes and possessioners of landes, and for
the holdres or tenauntes of the same landes,
to haue dayly in hande, to knowe, and beare
awaye the contentes of the same booke, & also
how well it agreeth with the argument of the
other small bookes, as court baron, court hun-
dred, and chartuarp, I went in hande & prin-
ted it in the same volume that the other
be, to bynde them al together.

And haue amended
it in many
places.

¶ The table of this booke.



Inst the prologue of the
authour, for the declara-
cion of this present treas-
ure. fo. 1.

¶ Of castels and other
buidynges, what the
walles, the tymber, the
stone, the led, the slate
the tyle, or other of coue-

rynges is worthe by the yere, as well within
the walles as without. And also of gardens,
cortylages, dovecotes, and all other profy-
tes be worthe by the yere. Cap. i. fo. 4.

¶ Howe many feldes are of the demayns, &
how many acres are in euery feld, & what an
acre is worth by the yere. Cap. ii. fo. 5.

¶ How many acres of medow are of the de-
mains, and how much euery acre is worthe,
and to what maner of catell it is moste neces-
sary vnto, and how many beastes it wil fynd,
and what the pasture of a beaste is worthe by
the yere. Cap. iii. fo. 6.

¶ Of forrayne pastures that be comen, how
many and of what maner of catell the lord
maye haue in the same, and what the pasture
of a beaste is worth by the yere. Cap. iiii. fo. 7.

¶ Of parkes & demeyne woodes, the whiche
the lordes maye asserie and to do his profyt,
and how many acres they contayne, and what
the besture of an acre is worth, and what the
grounde is worthe whan the besture is fallen.
Cap. v. fo. 8.

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Of foiren woodes where other men haue comen, whether the Lozde maye improue him selfe therof, and of how many acres, and what the vesture of an acre is worth, & what the ground is worthe whan the wood is fallen and how many acres they contayne, and what an acre is woorth by the pere. Cap. vi. fol. eodem.

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Whether the lozde maye gyue or sell the residue of his foireyn woodes, and what suche gyft or sale is worth Cap. vii. fo. 10

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Of mylnes, scuerall fyschynges, and comen fyschynges, what they be worth by the pere. Cap. ix. fo. 13

Of fre tenauntes, the which dwell without as well as within. Cap. x. fo. 14

Who be free tenauntes, and what landes and tenementes and by what fees they holde and by what service, whether by forrage or by knyght service or other maner, and what rent of Assise they gyue by the pere, and who holdeth by chartoure, and who by Auncient demeyne, and who by newe feoffement. Ca. xi. fo. 15

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The authour.

Go thou ytell queare, with due reuerence
And with an humble hert, recommend me
To all those, that of theyꝝ beneuolence
This ytell treatyse, doth rede heare oꝝ se
Wherewith I praye them, contented to be
And to amende it, in places behouable.
Where as I haue fauted, oꝝ be culpable.

For herde it is, a man to attayne
To make a thyng perfyte, at the first sight
But whan it is red, and well ouer seene
Fautes maye be founde, that neuer came to
lyght,
Though the maker do his diligence and might
Prayng them to take it, as I haue intended
And to forgyue me, yf that I haue offended
Finis.

The prologue of the author,
for the declaration of this present
treatyse,



Alomon Sapientie primo.

Omnis sapientia, vpr-
tus, honor, dignitas, and
queq; scientia, a domino
deo sunt. This is to say:
all wysedome, vertu, ho-
nour, dignitie, and cons-
nyng, are of oure lord
God. Than, syth almighty

ty God, our redeemer and creatour, by hyghe
wysedome, goodnes, liberalitie, & prouidence in
this transitorie worlde and miserable lyfe:
hath ordeyned dyuers estates and degrees in
his people and creatures, and some of them
as wel hath endowed with ghostly and heuē-
ly wysedome, and distinct graces, as with gret
honour, possessions, and ryches, with greatte
gyftes and graces, as well spirituall as tem-
porall. His hygh commaundemente chargeth
euery persone, that is partaker of the said gif-
tes or graces, charitably and discretly, the
same to distribute and deuide among his poore
creatures. That euery pooze persone, that is
willyng to labour duely for his liuyng, may
haue therby conuenient helpe and sustinance.

And in as muche, as the great estates, rulers,
and governours of this realme, whome oure
sauiour hath so largely and bounteously re-
warded

rewarded, with all such gyftes, possessions, and rycheffe, haue accordyng to his pleasure and commaundement, demysed, distributed, and graunted to the creatoures of god, and to their fermours and tenauntes, theyr seuerall possessions and inharitaunces, reseruyng to theym for the same certayne rentes, customes, and seruices, to susteyne and vpholde theyr honours and estates, as to them apperteyneth, accordyng to their high gyftes and graces, wherewith they be soo largely endowded. And for the greate zeale, loue, and comferte that I beare to the saied fermours and tenantes, and to all other goddes creatoures, that they make moze surcly, easly, and prosperably encrease and susteyn their poore householdes, wyues, and children, and also truly to paye their rentes, customes, and seruices vnto theyr lordes, and the honours of theyr fermes and tenauntrie:

Of late by experience I codtried, compyled, and made a treatyse for the same poore fermers and tenauntes, and called it the booke of husbandrye: in the whiche me seemed was verie necessarie for husbände menne, that vntyllage, and for manye other of dyuers degrees and occupacions. And where, as in the prologue of the saied booke, I demaunded and asked a question, and that was this: wher vnto is euery man ordeyned, as playnly it dothe appere, in the prologue of the same. In lyke maner in the prologue of this treatyse, the whiche I entende by the sufferaunce
and

and helpe of our lord Iesu to contriue, come-
pyle, and make to the profytte of all noble
men and women, bothe spirytuall and tem-
poralle, I demaunde an other questyon, and
that is this: Howe and by what maner doo
all these great estates and noble men and wo-
men lyue, and maynteyne theyr honour and
degree? And in myne oppynion, their honour
and degree is vpholden and mainteyned, by
reasone of theyr rentes, issues, reuenues,
and profittes, that come of theyr maners,
lordshippes, landes, and tenementes to theym
belongynge. Than it is necessarie to be kno-
wen, howe all these maners, lordshippes lan-
des and tenementes shulde be extended, sur-
ueyed, buttred, bounded, and valued in euer
parte: that the saied estates shulde nat be de-
ceyued, defrauded, nor dysherited of theyr
possessions, rentes, customes, and seruices,
the whiche they haue to theym receyued, for
mayntenaunce of theyr estates and degrees,
and that there be no percell thereof losse nor
imbeseide, and than may the lord of the saied
maners, lordshippes, landes, and tenemen-
tes, haue perfite knowlege, where the lande
lyeth, what euer parcell is worth, and who
is his freeholders, coppe holders, customa-
rye ternaunt, or tenant at his wyll. And what
rentes, customes, and seruyce he oughte to
haue of theym, with manye moo articles, as
hereafter shall bee declared, wherefore it is
necessarie, that euer great estate, bothe men
and women of worshyppe, that haue greatte
pos

Surueynge

possessions of landes and tenementes, shoulde
haue a surueyour, that can extende, butte, and
bounde, and value them. And therof to make
a booke in parchemente, bearynge a certayne
date, after the maner and fourme as I shall
make an intitulyng, and to amende it where
he seemeth conuenient. Quia facilius est addere
quam de nouo facere, That is for to saye,
It is lyghter to adde, refourme, or correcte,
than for to make newe and perfyte. And the
Surueyour to leaue the sayde booke made by
hym, with his lord, in maner of a Register,
wherunto the same surueyour, or an other of
fyner, may alway haue resort, whan nede shall
requyre, to loke vpon. And that booke so truly
made, may bee a Register and sure euidence:
that the lord, his freeholders, coppe holders,
nor ternautes, shall neuer lose landes nor rents,
customes, nor seruices: but every manne
that readeth the booke, shall perfectly knowe
where the landes lye, whose it was at th: day
of the makynge of the sayde booke, and whose
it is. Than, if the owner make a true pee, de-
gree, or conueyance, by descent, or by purchas,
vnto the sayd landes or lordshippes. And spe-
cially, if the names of the lordes and ternautes
that occuppe, myghte bee renewed ones in
forty or thie scoze yeres. For than it wold bee
as a perpetuall and sure euidence for euer, to
put awaye all stryfe and variaunce betweene
lord and lord, lord and ternaunt, tenant and
ternaunt in good quietnesse and peace. But of
oone thyng I pronounce and declare, and
take

The Prologue.

3

take God to my recorde: that I make this boke (all onely) to thentent that the lordes, the freholders noꝝ theyꝝ heires shoulde not be disherited, noꝝ haue theyꝝ landes losse noꝝ imbeselde, noꝝ encroched by one from an other: and to none other intente. And foꝝ that I aduertise and exhoꝝte on Goddis beehalfe, all manner of personnes, as welle lordes, as other: That whan the lordes oꝝ freeholders knowe where theyꝝ landes lye, and what euery pasture oꝝ parcell is wooꝝthe by the yeere: That the lordes noꝝ the owners thereof, doo nat heygthen theyꝝ rentes of theyꝝ ternauntes, oꝝ to cause theim to paie moꝝe rent, oꝝ a greater fyne, than they haue been accustomed to doo in tyme past. Foꝝ as me semeth, a greater charitie noꝝ almesse dede a man may not welle doo, than vpon his owne ternauntes. And also to the contrary, a greater bybery noꝝ extoꝝci on a man can not doo, than vpon his owne ternauntes, foꝝ they dare not saie naie, noꝝ yet complayne, and therefore on theyꝝ sowles go it, that so do, and not on myne. Parauenture the lordes wyll saie, it is nat his dede, it was his surcepoꝝre, but that can not bee so, foꝝ saynt Augustine saythe, *Qui per alium facit, per seipsum facere videtur*, That is to saie, He that commaundeth an nother man to do a thyng, he dooeth it hym selfe. And there be two principallis in one act doyng, and also he saythe. *Consensientes & agentes pari pena puniuntur*, That is to saie, the consentours and the doers shal be lyke punished. At grammer

The Prologue:

met schole I lerned a verse and that is this
Dum poteris, quid vis, possis cognoscere
quid sis. That is to saye, whan thou mayst
do what thou wylt, thou mayst knowe what
thou arte. That is to wytte, good o' puelle.
But for a grounde of this treatyse, the whiche
I dooc note, and calle the boke of

Sursumpung and of imprisonmentes,

I do take an olde statute

namd Extenta maneril,

as a principal ground

therof: as here

after ensu-

eth.:



Dutuepence.

Of castles and other buyldynges, what
the walles, tymber, stone, lead, slate, tyle, or
other of couerpynges is worth: as well with
in the walles as withoute. And also of
gardens, curtylages, doue hou
ses, and all other profyts
tes be woorth by
the pere. &c.

CAP. PRIMO



NOVIRENDVM est de
castris, & etiam aliis edificiis
fossatis circumdatiis quantum
muri & edificia ligna & labie
dia, plumbo & alio modo co
operata valent, & pro quanto
appreciari poterunt secundum
verum valorem eorundem murorum & edifi
ciorum. Et quantum edificia extra fossatis ap
preciari possunt, & quantum valcant vna cu
gardinis, curtilagiis, colubare, & oibus aliis
exitibus cur per annum. This is to saye in en
glyshe: It is to be enquired of castelles, and
also of other buyldynges, tymber, stone, leade,
and other maner of couerpynges is woorth.
And howe they maye be solde, after the veris
value of the same walles and buyldynges. And
howe muche the buyldynges without the dyche
may be solde for, & what they be woorth, with
the gardens, curtylages, douehouses, and all
other issues of the court by the pere, To the
Decla

Interpretation.

declaration and construction of this statute, (me seemeth there ought to be made a distinction) for the statute goeth generally, De castris & alijs edificijs fossatis & circumdatis & extra fossatis, These wordes go as wel to those castelles and other byldinges, that be wel byholden and inhabited, aswel as of those that be fallen in decay, and not inhabited, and to those that be inhabited, It is not necessary to be extended nor valued in any parcell: for let a man make a castell, towre, or any maner of newe byldynges, and synnhe it clerely, yf he shulde go take it downe, and selle every thyng by it selfe agayne, he shulde lose the more halfe of his money. And therfore in myne opynion, this statute was made soone after the barons warre, the whiche ended at the battaylle of Ewelham, or soone after, in the tyme of kyng Henry the thyrde, where as many noble men of bloud were slayne, and many fled, that afterwarde were atteynted for the treason they dyd to the kyng. And by reason therof, they castelles and manoures were staked into the kynges handes. And so for wante of reparacions, the castels and the manoures fell to ruine and in decaye. And whan the kyng and his counsaile sawe that, they thought it was better to extende theym, and make the mooste profyte that they coude of theym, than to lette theym to falle to the grounde, and come to no mannes helpe and profytte. Wherfore kyng Edward the fyrste ordeyned this statute to be made the fourthe yere of his reigne, wherein

is contained many and diuers chapters and articles, the whiche at that tyme was but instructions, how and what they shulde do that were commissioners or surueyours in the same. **F**yrste it is most necessary and conueniente to retaille and to sell euery thyng by it selfe, and not all in grosse, some to one man, & some to an other, for that that is good for one man is nat good for an other: and euery thing to be praysed & solde by it selfe, that is to saye, The stone wall of one house by it selfe, the tymber of the same house by it selfe, the couerpyng by it selfe, the tyle, slate, or lead by it selfe, the glasse by it selfe, the yron ware, as barres, bades, hokes, boltes, staples, or latches, and all suche other by theyn selfe, doozes, windows, bourdes, and all other thynges by the selfe, and to go fro hous to house, & sell euery thyng by it selfe, and than shall the trewe value be best knowen. And it is conuenient, that these thynges be offred to be solde to dyuers men, and to see who will gyue moste, and specially to sell whan men desyre to bye. Also to value, what the grasse of the gardens, curtillages, courtes, & house places, that be within the dycheffe or without, be worthe by the yere. A curtillage is a lyttell croft or courte, or place of easemente to put in castell for a tyme, or to lay in wodde, cole, or tymber or suche other thynges necessary for household. Also to value the profite of the douehouse, if any bee there, if it be replenished with doves.

Surneyenge.

**Howe many feldees are of the demaynes,
and howe many acres are in euery felde,
and what an acre is worthe by the pere
¶ c. Capitulo . secundo.**

CIT E M inquirend. est, quot campi sunt in dominico, & quot acre sunt in capo, & quam ualeat quelibet acra per se per annum. It is to be enquired, howe many feldees are of the demayns, and howe many acres are in euery felde, and what euery acre is worthe by the pere. This is a lyght letter, and nedeth but lyttell declaracion, for by these wordes, quot campi sunt in dominico, It muste nedes be taken of feldees that be in tillage or plowynge, but it wolde be vnderstande, whether the demeyne landes lye in the comyn feldees among other mens lande, or in the feldees by them selfe And if they lye in the comyn feldees, it is conuenient that they be plowen and sown, & than is not an acre so muche worthe, as and it were in seuerallie inclosed, or in seueralle pasture. For and the felde be inclosed about, than it is at the lordes plesure, whether they shall lye to pasture or to tyllage, and though it lye in tyllage, yet hath the lord the Edythe and aftermath hym selfe, for his owne cattell. And therfore an acre is at the moze value, and if it lye in pasture, the pasture may be suche, that it is at double or treble the value of the errable lande. wherfore the acres are to be praysed accordyng, and yf they be great flaktes or furlonges in the common feldees, it
is at

is at the lordes pleasure to enclose them, and kepe them in tillage or pasture, so that no nother man haue comen therein.

Howe many acres of medowe are of demaynes, and how muche every acre is worthe and to what maner of cattelle it is moste necessary vnto, and howe many beastes it wylle fynde, & what the pasture of a beast is worth, by the yere. Cap. iii.

QUANTUM inquirendum est, quod acre prati sunt in dominico, et quantum quelibet acre valet ad locandum per se per annum, & ad cuiusmodi bestias et animalia pastura illa fuerit magis necessaria, & quot & quales possit sustinere, & quantum valet pastura cuiuslibet bestie & animalis ad locandum per annum.

It is to be enquired, howe many acres of medowe are of the demayns, & howe muche every acre is worthe to set by the yere, and to what maner of beastes or cattell it is most necessary vnto, and howe many it wyl fynde, and of what maner, and what the pasture of oone beast is worth by the yere. And in myne opinion, it wold be vnderstand whether the medowes or pastures lye in common medowes or common pasture, at large or in severalltie: For if it lye at large in the common medowes, an acre is noo better worthe than the grasse that the hey is made of is worth, for after it is comen and of lytell value. And if it lye in severalltie, it is worth halfe as moch ageyne,

Surueynge.

of the grasse was worthe . And that hyghe ground and dyce, is most cōuenient for shepe, wood grounde and bushe for bestes, and specially in winter tyme . Lowe groundes, meadowe groundes, and maryshe groundes for hey, and after for fatte cattell, and in wynter for hoxses and mares, and meane groundes, that is bothe hilly and daly, as leyse & lowe groundes, is good for all maner of cattell, if the grasse be good and fyne, and specially for fat cattell or fatte shepe, hoxses, mares, and yong coltes, for that grasse that one maner of cattell wyl nat eate, an other wyl. And therfore it is good to haue a large close, that dyuers maner of cattell maye go to gyther in it, and to know what a beastes grasse is worthe by the yere, that is as the pasture is, that he goeth in is worth, and not ouercharged with cattell, and the fynenesse of the grasse, and the goodnesse of an acre . For some acre of grounde is not worthe a peny by the yere, and some acre is worthe . xl. d. and so a beastes grasse maye bee dere ynoughe twelue pens in the yere, and it may be worthe . xl. d. or fyue shyllinges, and a hoxse grasse or a mare grasse, may be dere ynoughe twelue pens or twentye pens by the yere, and it maye be worthe fyue shyllinges or a noble, accorpyng to the goodnesse of the pastures . But howe these maners, landes, medowes and pastures shall be viewed, buttred, bounded, and valued, shall be reherced, after the statute be ones declared.

OF fozen pastures that be commen, howe many and of what maner of cattell the loyde may haue in the same, and what the pasture of a beast is woꝛthe by the yere. Cap. iiii.

I T E M Inquirend est de pasturis forinis sicis, quę est cōmunis, quot & quas bestias & animalia dominus habere possit in eadem, & quantum valet pastura per annum ad locand. It is to be inquired of fozein pastures that is commen, howe many and what beastes and cattell, and what the loyde maye haue in the same, and what the pasture of a beast is woꝛth by the yere to set. This is a darke letter to be well vnderstande without a better declaration, for where he sayeth. De pasturis forinis sicis quę est cōmunis, That may be vnderstand thze ways. for there is in many townes where as their closes and pasture lye in seueraltie, there is commonlye a commune close taken in, out of the commen oꝛ felde by tenants of the same towne, for theyꝝ oxen oꝛ hyne, oꝛ other cattell, in the which close every man is stinted and set to a certaintie; howe many beastes he shall haue in the same, and of what maner of bestes, they shall be. And if the loyde shall haue any cattell therin, he shall be put to a certaintie, and of what maner of cattell, and this pasture may be well valewed. And also the beastes grasse, what it is woꝛth therein. But than it ought to be shewed, how many acres be conteyned in the said pasture, & what every acre is woꝛth, one with an other.

An oꝛ

Buttreyenge.

In other maner of comyn pasture is moſte commonly in playne champion countreyes, where their cattell goth dayly befoze the herde men, and lyeth nygh adioynnyng to their comyn feldeſ, and it maie lye in two oꝝ thye places oꝝ mo. And in theſe it is alſo conueniente, that euery man be ſtinted to a certaintie, other by pꝛardes, landes oꝝ ganges, rentes, oꝝ ſuche other cuſtomes, as the tenants uſe, and the loꝛde in lyke maner. Theſe comyn paſtures may be extended, how many acres be in euery parcell by it ſelfe, and what an acre is woꝛthe by it ſelfe, but it can not be ſo well knownen, what a beaſtes graſſe is woꝛthe percelle, foꝛ they lye moſte commonly with the ſalowe feldeſ, and ſome ſalowe feldeſ be better than ſome, and ſo a beaſtes graſſe may be better oꝝ woꝛſe. The thirde maner of comyn paſture, is in the loꝛdes out wodes that ly comyn to his tenants, as comyn moores oꝝ herthes, the which were neuer errable landes. In theſe maner of comens, me ſemeth the loꝛde ſhulde not be ſtinted, noꝛ ſet at no certentee, but put his cattell vpon ſuche maner of comyn paſture at his pleaſure, becauſe all the hole comyn is his owne, and his tenants haue no certayne parcell therof layde to their holdynges, but all onely bytte of mouthe with their cattell, and it were ageyne reaſone to abyꝛdge a man of his owne ryghte. But his tenants and euery mannes tenants, me ſemeth oughte of ryghte to be ſtinted, what euery man ought to haue, goynge vpon all maner of
of

of commens, for els wolde the ryche men in the begynnynge of Sommer bye shepe and o: ther maner of catell, and eate vp the cōmens, and selle theim againe at wynter, o: put theim in their pastures that they haue spared a'l the Sommer; and soo ouerpresse the pooze men, that haue no money to bye no; able to reire.

¶ Of parkes and demein wodes, the whiche the lozde maie asserre and to do his profit, and howe manye acres they conteyne, and what the besture of an acre is worth, and what the ground is worth, whan the besture is fallen. *ic.*

Capitulo. v.

¶ I T E M inquirend. est de percis & dominis cis boscis quę ad uoluntatem suam possunt asserare & extolere, & quot acre in se cōtinē tur. Et quantum Vestura cuiuslibet acre pos sit appreciare, et quantum fundus in se continēat & Valeat quando prostratus fuerit, & quantum Valeat quelibet acra per se per annū. It is to be enquired of parkes and of demaine woddēs, the whiche at the lordes wll may be asserred and plucked vp, o: fallen downe, and howe many acres ar contained in theim, and so; howe muche the besture of euery acre maye be sold, and howe muche the grounde in hym selfe conteynethe, whanne the wodde is fallen, and howe muche euery acre is worth by it selfe by the pere. This is to be vnderstand of parkes and demaine woddēs, that be in seueraltie,

Hurtynenge.

raite, wherof the lord at his pleasure, maye
assert, stoche vp by the rootes, or falle by the
erthe, plowe and sowe to his mooste profytte
as he wyll. And howe many acres of wodde
are conteyned in the same. For in a parke of
wodde may be two hundred acres and moze,
and yet not past a hundred acres therof, woode,
littell moze or lyttel lasse, and what the besture
(that is to saye) the wodde of every acre is
worthe by hym selfe, for one acre may be worth
xx.s. or. xl. s. & an other acre dere inoughe. li. s
vi. s. or. x. s. and howe muche the hole grounde
conteyneth whan the wodde is fallen. And
that is to be vnderstand, all the grounde with
in pale or hedge, as well the lande grounde as
of the wod grounde, where the wod growed,
and what every acre is worthe by the pere, as
well as the one maner as of the other.

OF foxren woddas where other men haue
commen, where the lord may improwe hym
selfe thereof, and of howe many acres, and
what the besture of an acre is worth, & what
the grounde is worthe whan the wodde
is fallen, & howe many acres they
conteyne, and what an acre
is worthe. Cap. vi.

ITEM inquiritur de boscis forinsecis
ubi alii communicant, quid de eisdem boscis
dominus se appropriare. & de quot acris &
pro quanto vestura cuiuslibet acre comuni-
ter possit apreciari. & quantum fundus vas-
let

let postq̄ prostratus fuerit boscus, & quor a-
cre iste contineant, et quantum quelibet acra
valet per annū. It is to be inquired of foyren
woddes, where they and other comyn tog-
ther, and what of those woddes the lord maye
improwe hym selfe, and of howe many acres,
and for howe much the besture that is to say,
the wodde of euery acre may be sold, and how
muche the grounde is worth after the wodde
be fallen downe, and howe many acres it con-
teyneth, and what euery acre is worthe by the
pere. The declaration of this statute is doute-
full, bycause of the none certentie therof, what
is sufficient comen: for it is clerely ordeined
by the statute of Herton, and after confir-
med by the statute of westmyenster second.

That the lord Mall improwe hym selfe of
their wastes, wherby is vnderstande of theyr
comen moores, hethes, and waste groundes,
as well as of woddes. Though the statute
speake but of woddes onely leauyng theyr te-
nautes sufficient comen, the whiche in myne
opinion be those tenautes that haue comen
appendaunt, and to holde their landes of hym
It is necessary to be knowen what is suffici-
ent of comen, and that me semeth by reason
shulde be thus. To se howe muche cattell the
hey and the strawe that a husbande getteth
vpon his owne tenement, wyl synde suffici-
ently in winter, if they lye in house, and be
kepte therwith all the winter season, for soo
much cattell shulde he haue comen in sum-
mer, and that is sufficient.

Suruepence.

YE shall vnderstand, that there be .iiii. maner of cōmons, that is to w^yt: com^men appendant, cōmen appourtenāt, cōmen in grose, & cōmen p^r cause de vicinage. s. neighbor^{sh}ip. Cōmen appendaunt is, where a lo^rde of olde tyme hath granted to a man a meseplace, and certayn landes, medowes, and pastures, with their appourtenaunces to holde of hym. To this meseplace, landes, and medowes belongeth com^men, and that is called com^men appendant. But and a man graunt to an other certayne landes o^r pastures, the whiche ly in seueraltie, enclosed with the appurtenaunce in fee, to holde of the chiefe lo^rdes, to these landes me semeth belongeth no cōmen, withoute he haue suche speciall wordes in his dede. Com^men appurtenaunt is where a man hath had com^men to a certayne nōumbr of beastes o^r without nōumber, belongyng to his meseplace in the lo^rdes wastes, this is cōmen appurtenaunte by p^rescripcion, bycause of the vse out of tyme of mynde. Com^men in grose, is where the lo^rde hath granted by his dede, com^men of pasture to a straunger, that holdeth noo landes of hym, no^r oughte to haue any com^men, but by reason of that graunte by dede. Nowe the lo^rde maie nat improue hym selfe of any parcell, for it is contrary to his graunt, though there be sufficient of com^men. And in lyke case, yf the lo^rde grant com^men to a man by dede, and to lymitte hym a certayne nōumbr of beastes, see what was cōmen at that tyme, and of that the lo^rde shall nat

nat improue hym selfe, for and he shulde, the goodnes of the comen to that certayn number shuld be abydded, that they shuld not fare so well, and euery mannes dede shall bee taken strongest agaynst him selfe. And in lyke maner if the lord grant a man comen with his castel, within certayne meires, limites, & boundes, the lord shall nat improue hym selfe, within those meires and boundes. Commen per cause de vicynage, is, where the waste ground of two townships ly together, and nother hedge nor pale betwene to kepe theyr catell asonder, so that the catell of one township gothe ouer his meire or bounde into the wast ground of the other towne, & lykewise the catell of the other township to them. And also if their comen felde ly together vnclosed, in open tyme whan haruest is in, their catell wyl go out of the one filde into the other fylde, and this is called comens, bicause of neighborshipp, and is not vled nor lausfull to pin their cattell so goyng, but in good maner to dysue & chase besyde such comen. And as for that maner of comens, me semeth the lord may improwe hym selfe of their wast groundes, leuyng their owne tenantes sufficiēt comen, hauing no regarde to the tenantis of the other township. But as for all errable landes, meadowes, leise, & pastures, the lordes may improue them selfe by cours of the comen law, for the statute spebeth nothing but of wast groundes, & ye shall vnderstand that how be it that a lord may not improwe hym selfe of his wast groundes, yet may he lausfully fall

Surueynge.

fall and sel al the wod, byome, gois, tyis, byas
hen, ferne, bushes, thornes, and such other, as
free stone, lyme, stoon, chalker, turues, claye,
sande, lead, ore, or tynne, to his owne vse, for
the tenauntes may haue nothyng by reason
of comen, but all onely bytte of mouth with
their cattell. And ye shall knowe, that swyne
and gese haue no comen, but by sufferance,
without special wordes in theyr charter. Also
the lord shall haue his free warren for all ma-
ner beastes and foules of warren in his waste
groundes, as wel as in his seuerall groundes, &
as long as the beastes or foules of warren be
vpon the lordes grounde, they be the lordes if
he haue warren, and the lord maye haue an
action of trespassse against any man, that cha-
ceth or kylleth any of them in his comen, as
well as in his seuerall. And yf they go or flye
out of the lordes warren, than is the propertie
chaunged, and the lord hath loste his action
for takynge of them whan they be oute of his
warren withoute they come into his warren
ageyne, there is no man hath warren but by
speciall graunte of the kyng by charter, excepte
it haue ben vsed tyme out of mynde, & allowed
before iustice in Eire. And as for the articles
conteyned in this present chapit the letter ther
of is plaine inoughe, and also touched before.

**Whether the lord may giue or sell the rest
due of his forren woddes, and what
suche gyfte or sale is worth by
the yere, &c. Cap. vii.**

Item

q I T E M inquirend est, ytrum dominus de residuo boscorum predictorum forinsecorum dare possit, et quantum valet talis donatio, vel venditum per annum. It is also to be enquired, whether the lord maye geue or selle the residue of his foren wooddes aforesayd, & what suche gifte or sale is worthe by the yere. This letter is playne inough, and as me seemeth no doubte, but that the lord may geue or selle the residue of the sayde wooddes or wastes. Excepte that a manne haue comen of Estouers. But what that gyfte or sale is worth, is to be vnderstande and knowen, and as me seemeth the donee or the byour, shall be in lyke cause, as the lord shuld haue ben if he had not gyuen it nor solde it. Than the lord hath improued him selfe of as muche wooddes and wastes as he can lafully, and whan he hath gyuen or solde the residue of that, he can non improue him selfe of it. In lyke maner the donee nor the byoure can nat improue theym selfe of any parte therof. For they can not be in no better case, than he of whome they had it. Now be it that they, that of ryght ought to haue theyr commens, be nat theyr ternautes, but their title and interest grewe by inherytaunce, longe time befoze the gifte or sale made by the lord. And it foloweth by reason, that the gyfte or sale of a straunger, shall nat hurte an other mans inherytaunce. But this donee or this purchasour, shall take to theyr profite all the besture standing vpon, or beyng with in the sayd groundes, as wooddes, & suche other
as is

Surueynge.
as is saied befoze in the next chapter.

**Of panage and herbage of the towne, and
of al other profites of pooles, meires, and
rynnynge waters, of moores, heythes,
and wastes, what they be
wozth by the yere. &c.
Capit. viii.**

¶ I T E M inquirendum est de panagio & herbagio Ville, & omnibus aliis exitibus viuariorum morarum bruerum & vastorum quantum valent per annum.

Also it is to be enquired of panage, and herbage of the same town, & of all other profites of pooles, meires, and rynnynge waters, of mores heythes & wastes, what they be wozth by the yere. And where this statute speaketh de panagio, that is to be vnderstande, whan their is anye masse growynge in the lordes woddess, whereby mens swyne maye be fedde and releued, what profyte that maye be to the lord. For there is no man that can clayme of right to haue the mast, the whiche is a frute, but the lord: except his free ternaunte haue it by speciall wordes in his dede, *Quod sit quietus de panagio*. And the lord Mall haue it in his foren outwoddess, as well as in his parkes or seuerall wodes, and as the quantitie of the mast is, so the lordes bailly of right oughte to lay mens swyne therevnto from Myghelmas to Martylmas, and to make a true accompte thereof

therof at the lordes audite, what he taketh for
euery swine. And in many places the tenaun-
tes gooe fro panage in the foxren wodds by
custome, and that is moste commonly where
as the tenants paye tache swyne by custome,
if he haue to a certayne nombre, or els to paye
perely at Whigheymas. i. d. or an halspeny for
euery swyne, as the custome is vsed. The sta-
tute spebeth, De herbagio ville. That is to be
vnderstande of the common pasture that be-
longeth to the towne, wherevpon the hcard-
man kepeth the tenauntes cattell, It may be
so good, that the tenauntes nede not to haue
any seuerall pasture, but that theyr common
pasture shuld be able to fynde all theyr cattell
both hoxses, mares, beestis, and shepe, and so
it was of olde tyme that all the landes, me-
dowes, and pastures, lay open and vnclosed.
And than was theyr tenementes moche bet-
ter cheape than they be nowe, for the mooste
part of the lordes haue enclosed their demeyn
landes and medowes, and kepe them in seue-
raltie, so that theyr tenauntes haue no cōmyn
with them therin. And also the lordes haue in-
closed a great part of theyr waste groundes
and streptned their tenauntes of theyr com-
myns therin, and also haue gauen lycence to
diuers of their tenauntes to enclose parte of
theyr errable landes, and to take in newe in-
takes or closes out of the commens, payinge
to theyr lordes moze rent therfore, so that the
common pastures waren lasse, and the rentes
of the tenauntes waren moze and moze.

And

Surueynge.

And that is, bycause the tenauntes waxen more polittike in wisdom to improue theyr tenementes, holdynges, and fermes: and at the ende of the terme, an other man that made no coste of the sayed improuementes, offretly the loyde certayn money for a fyne to haue it, or to heygthen the rente of the same, so that he that made the coste or his chyldren, shall nat haue the sayde ferme, without he will gyue as muche or more as is offred to the loyde, and so through the enuy of his neighbour and the couctousenelle of the loyde and his officers, the pooze tenant hath a great losse, or els vtterly vndone, god amonde it. And the lordes haue a greater losse than they wene, for the tenants se howe theyr neighbours that haue bulded their houses, improued theyr lādes and be put out, excepte he make a fyne or pay more rente, causeth theym nother to bylde nor otherwise, to improue theyr holdynges, to the lordes gret losse at length. And where the statute saythe, *De omnibus aliis exitibus viuariorum morarum bruerum et vastorum.* And of all profytes that shall come of the lordes standynge waters, mores, hethes, and wastes. *Viuariū* is a poole or a meyre that fishe encreseth and liueth in. Some rinning waters be as free, and leueuer all to the lordes, as their poles, meyses, or standyng waters. And as they be stoyed with fishe, so dothe the profyte ryse to the lordes, whether thei go by way of impuement or sette to ferme: wherof the bayly shall make accōpte. *Moyses, hethes, & wastes,* go in like maner

as the herbage of the townes, for the lordes
tenantes haue comen in all suche out groun-
des with their cattell, but they shall haue no
wodde, thornes, turnes, goyse, ferne, and suche
other, but, by custome, or els speciall worder
in his chartour.

C Of mylnes, seuerall ffishyng, and com-
men ffishyng, what they be worth
in the pere. Cap. ix.

¶ I T E M de molendinis, piscariis seuerali-
bus & communibus, quantum valent.

Also of mylnes, seuerall ffishynges, and com-
men ffishynges, what they be worthe. In this
shorte article many thynges are to be remem-
bred, for where he sayth, De molendinis, the
whiche is in the plurell number, it is to be vn-
derstand, that there be many maner of mylnes,
as corne mylnes, wynd mylnes, horse mylnes,
and quernes that goo with hande: fullpyng
mylnes. sythe mylnes, cutler mylnes, smythe
mylnes, and all other, as the wheele gothe by
dyft of water, to blow the belowes or to drye
any water like a pompe, as there be in Corn-
wall and diuers other places, Though they
be no mylnes, properly to grynde corne, yet it
is a profyte to the lord, the whiche a suruey-
our may not forget to put in his booke, and to
but and bounde them as they lye, and who be
the fermours, and what rentes they pay. And
to the corne mylnes to the moste part of them
belongeth Docone, that is, to save, custome of
the

Surueynge.

the tenants to grynde theyr coine at the lordes myne, and that is as me semeth, all suche coine as groweth vppon the lordes grounde, that he spendeth in hys howse. But yf he bye his coine in the market or other places, he is than at lybertye to grynde where he may bee best serued, that maner of gryndyng is called loue socore, and the lordes tenants be called bonde socore. And if they grynde nat their coine at the lordes myne, the lord maye asuerce them in his court, or els he may sue the at the comen lawe, *De secta molēdini faciēda*. But whan he shall make hys declaration in the debet, and whan in the solet, I remytte that to menne of lawe, that haue experience therof. It is also to be knowen howe the tolle shulde be taken, but there bee so many dyuers grauntes made by the lord, some men to be grounden to the twenty parte, and some to the .xxiii. part, tenants at wyll to the .xvi. parte, and bondemen to the .xii. parte, some men to be tollie free, and some to be hopper free, that is to witte, that his coine shalbe put in to the hopper and grounde nexte to the coine that is in the hopper, at the tyme of his commyng. And in some place to take the tolle after the strengthe of the water, that foloweth by reason, for that myne that hath a bygge water, and may dyue a great brode stone, the which wyll make muche more meale, than that myne that goth with a lyttell stone, he is muche better worthy to haue the more tolle, & yet shall the owner of the coine haue the more profyte.

And

And so there be soo many dyuersities of takynge of tolle, that I wyll not take vppon me to telle howe, but also remytte it to menne of lawe, to shewe the dyuersities. But doubt ye not, the implaers wyll be no losers, and of enynes there shall more be spoken of in the chapiter of waters, amonge the improvemen-tes, De piscariis et sepealibus: that is to be vnderstande, in the lordes standynge waters, as pooles and meyes: and alsoo runnyng waters that be seuerall, as be very many in dyuers countreys, sette to ferme frome oone place of the ryuer to an other, for certayne rent, and if any man fysh in the lordes pooles or meyes, the lord maye haue his action vpon the statute westmynster primer. And yf he fysh in the runnyng and seuerall waters, the lord maye haue his action at the comen lawe, and in lyke wyse the lordes ternaunt, if any man fysh in his ferme holde, be it standynge waters or runnyng waters. And where he sayth, De omnibus, of comen fyshyn-ges that is lyttell profytte to the lord, but to his ternautes, except he dwell ngyhe the see, and wyll cause his seruaunt to fysh there for hym, for that is the beste comen water that any man can fysh in. And some runnyng waters be comen, as lyttell brookes and ditches, and in some runnyng waters, the lordes ternautes haue lyberte by custome to fysh with shouenettes, trodenettes, small pytches, and suche other.

Surueynge.

Of free tenants, the whiche dwell with-
out as well as within. *sc. Ca. x.*

QUOD I T E M inquirendum est de libere tenentis
bus quibusq; forinsecis & extrinsecis

Also it is to be enquired of freholders, the
whiche dwell without as well as within. By
this lettet it is to be vnderstande, that a free
holder may dwell out of the p̄uincie of the
lordes manour, and yet hold his lande of the
sayd maner. For one manour may stretch in
to diuers shires, as the honoꝝ of Cutebury,
Walynghforde, Bountfret, Tyckell, and suche
other: And in that case the lord of the ho-
nour of manour, maie take a distresse for his
rentes homagis, relifes, customes, & seruices,
and to brynge the same distresse oute of that
shire, wher it was taken, into that shire,
where the manour is, of whome these sayde
landes be holden. And if the tenant will sewe
Repleyn, the Meriffe where the catell is, shall
make & seque the repleyn, and not the Meriffe
where the goodes of the catell was taken, nor
returne vpon his repleyn, Quod aueria elons-
gata sunt. And the lord may haue a freholder
that holderth his land of him, and payeth hym
these rentes and other seruice, and nat by the
reason of any maner. And thus if a man pur-
chase a parcell of lande before the makynge of
the statute, Quia emptoris terrarum, and
gyue the same landes ageyne to a straungee
before the makynge of the sayed statute, to
holde of hym by certayne rente and seruice.
This

This may be called a forren free holder, for it is no percell of any maner, and it is no manour it selfe. For to every maner belongethe two thynges, that is to save, parcell in demayne, and parcell in seruyce, That is landes in demayne belongyng to the maner, and seruyce, customes, or rentes, and this freeholder I spake of before, hath demayne, but he hath no seruyce. Also a man may have bothe rente and seruyce of a freeholder, and yet he holdeth not his landes of hym that he payeth his chiefe rent vnto. As and a man purchase landes by the the making of the sayde statute, and geue it to a straunger, reseruyng sealltie and certayne rents: this free holder holdeth his landes of the chiefe lord nexte aboue, and yet shall he paye his rentes and seruices reserved to hym that gaue it to hym, and if the gyfte were in the tye, and no remaynder in fee ouer, nowe the reuercion resteth still in the donor. I coude speake more of the gyftes and remainders, but I remyt them to men of lawe that be lerned, for it is not the matter that I intend to speake of. Howe be it, it is very necessary for every surueyours to haue in syghte and experience of the comen lawe, or els at some season he shall deceyue his lord or his ternaunte, and specialle his owne soule. for saynt Isodorus sayth, Quod ignorantia crassa vel affectata nō excusat peccatum. That is to say, ignorance of cunnyng or of the facultie in hym that taketh vpon hym as a master or teacher of the science or cunnyng, excuseth not

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a mans offence, for euery man that god hath sende wytte and reason vnto, is bounden to knowe, whether he do well or yuell. And thersfore it is necessary, that euery man lerne and do his diligence to knowe, what he oughte to do, or he take vppon hym any suche offences or rowme.

Who be fre tenants, and what landes and tenementes and what fees they holde, and by what seruice, whether by socage or by knyght seruysce or other, and what rent of assise they gyue by the pere, and who holdeth by charter, and who by auncient demayn, and who by newe feoffement.

Capitulo. xi.

¶ I T E M inquirend. est, qui sunt liberi tenentes, et quę et quas terras & tenementa, et quę feoda teneant, et per quod seruiciũ / vtrũ per socagium, vel per seruitium militare, vel alio modo, et quantum reddant per annum de redditu assise, et qui tenent per cartam, & qui non, et qui per antiquam tenuram, et qui per nouum feoffamentum. Also it is to be enquired, who be free tenants, and what maner landes and tenementes, and what fees they holde, and by what seruysce, and whether it be by socage or by knyghtes seruysce, or of any other maner, and what they paye by the pere of rent of assise, and who holdeth by charter and who nat, and who by the old tenure, and who by the newe feoffement. It appereth by this

this artycle, that there be many maner of free holders, and holde their landes & tenementis in diuers maner, and by many maner of rentes, customes, & seruyces, as tennautes in fee symple, tennautes in taylor, tennautes by cople of court role, tennautes by the curtesy, tenants in dower, & tennautes for terme of lyfe by speciall graunt, & many other. And all these tenants may holde theyr landes by diuers tenures, customes, and seruyces, as by homage, fealty, escuage, forage, knyghtes seruyce, graunte sergentie, petite sergentie, franke alimoyne, homage auncetrelle, burgage tenures, and tenure in villenage. But to declare the dyuersytie of all the tenures, it wolde be to longe a pcesse, and therfore I remitte it to the fyrst booke of the comynen lawe, called the tenures. But the diuersitie of these tenures, what rentes, fees, customes, & seruyces, the lord oughte to haue of his tennautes, can not be knowen but by the lordes eydence, court rolles, rentayles, and suche other presydenes, and specially by the original dedes of their tennautes. And ye shall knowe, that the lordes may not distrayne their tennautes, nor seale their landes into theyr handes, to cause theyr tennautes to shewe theyr eydence, wherby they holde their landes. But if the lord haue any eydence, rentayles, or court rolles, of any maner of rentes, customes, or seruyces, that he hath nat, and can proue a possessiõ of the same in his ancestors, sythe the lymytacion expyelled in the statute of westmynster seconde in the seconde chapyter,

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than he may lawfully dystayne for the same. And than muste the tenaunt shewe a discharge by sufficient wrytynge, and nat by wordes, or els to paye the same: for matter in wrytynge, maye nat be discharged by a nude paroll. s. bare wordes. The statute speaketh, Qui res nent per cartam, et qui non. The tenantes in fee simple, and the tenantes in taylor, that haue euidence and dedes made and sealed, and possession deliuered of theyr lordes or by their attourney, from one to an other, they holde theyr landes by charter, be it newe made or olde. And also there be tenantes in fee simple, and tenantes in taylor, that holde by no charter, & those be tenantes by copy of court roole. As and a lord haue a manour, & within the sayde manour there is a custome, that hath ben vsed tyme out of mynde, that certayne tenants within the sayde manour, haue vsed to haue theyr landes and tenementes, to holde to them and to theyr heires, in fee simple, fee taile, or for terme of life, at the wyll of the lord after the custome of the maner. And suche a tenaunte may nat geue nor sell his lande by dede, for and he do, the lord may entre as in landes forfayte to hym. For if suche a tenaunt will geue or selle suche maner of landes to another, he muste surrendre the same landes in the lordes court, in to the lordes handes, vnto the vse of hym that shulde haue it, in fee simple, fee taylor, or for terme of lyfe. And he that shall haue the lande, must come into the court & take it of the lord, as here after foloweth.

Ad hanc

¶ A D hanc curiam venit l. B. & sursum red-
didit in eadem curia vnum messuagium. &c. in
manus domini, ad vsum A. D. hered suorum
vel hered de corpore suo existentium, vel pro
termino vite sue. Et super hoc venit praedic-
tus A. D. & cepit de domino in eodem curia
predictum messuagium. &c. habendum & tes-
nend sibi & heredibus suis, vel sibi & hered de
corpore suo existentibus, vel sibi ad terminu
vite sue ad voluetatem domini secundum con-
suetudinem maneri, faciēdo & redendo inde
reddit seruicia & cōsuetudines inde prius de
bita & consueta, & dat domino de fine. &c. &
fecit domino fidelitatem, et admissus est in de
tenens. And these maner of tenauntes shall
nat pleade noꝝ be impleded of their tenementis
by the kynges wytte, but and they wyll im-
plede ech other for their tenemētes, they shall
haue theyꝝ playnt made in the loꝝdes courte,
after this forme oꝝ effecte.

¶ A. de B. queritur versus C. de D. de pla-
cito terre videlicet de vno messuagio, decē ac-
cris terre, tribus acris prati. &c. cum per uñ.
And shall make protestation to sue his playnt
in the nature of the kynges wytte of forms
done in descender at the cōmen lawe, oꝝ of the
kynges wytte of Assise of nouell disseison, oꝝ
of assise of mortanceter, oꝝ of any other wytt
at the cōmen law. Plegii de prosequend. G. F.
et G. H. but how the declaration, the answer,
replication, and reioynder shulde be made: and
also an action of Dette, detinue, couenaunte,
trespasse, and such other, I remit that to men

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of lawe, that haue experience therof. But one
thyng wotte I well, that many an erroneous
processe, the stewardes make in their courte
rolles. wherfore men of honour and of woꝝ
shyppe, and abbottes, pꝛyours, and suche o-
ther, shulde make men of lawe theꝝ steward-
des, and to cause theym to exercyse the office
hym self, with his clerke sufficiently instructed
by his mayster, that there maye be made due
pꝛoues, without fauour, bzibery, oꝝ extortion,
on payne of forsaþtūre of his office. But it is
a comen vse in some countreys: that lordes,
knyghtes, squiers, and gentylmen, that knowe
but lyttel of the lawe, be made stewardes, and
they come to the courte oꝝ sende their clerkes,
that can as lyttell law as their master oꝝ lasse,
but that he vnderstandeth a lyttell latyn. And
yf there be a fyne to make for a tencement,
howse, oꝝ close that is to be set: the steward
shall haue a rewarde for his good will, that
he maye haue it befoꝝe an other man, and the
clerke muste haue an other rewarde for to en-
treate his maister to the same, so that the lordes
fyne muste nedes be the lasse, oꝝ elles the
pooꝝe man shall be at a gretter charge. where
of speaketh Salamon, Prouerbiorum. xvil.
*Melius est parum cum iustitia, q̃ multi fructus
cum iniquitate.* It is better to haue a lyttell
ryghtuousely, than to haue muche profytte
wyꝛkedly. But nowe to my mattier, that I
spake of befoꝝe, there maye be in one maner
oꝝ lorde shyppe, bothe charter lande, and cōpy
lande, and eche of theym well knowne frome
other,

other, and one man may haue and holde them bothe. Also there be other tenauntes by cōpy of court rolle, and are called tenauntes per le verg. s. by the parde. And they be called soo, bycause whan they wolde surrendre theyr tenementes into the lordes handes, to the vse of an other, they shall haue a lyttell parde in theyr hande by custome of the court, and that they shall deliuer vnto the steward, if he be there present, or to the bayly or reue, or to othertwo honest men of the lordeshyppe. And at the next court he that shall haue the sayde landes shall take it in the court, and his takynge shall be entred in the rolle, and the steward or bayly, as the custome is vsed, shall deliuer to hym that shall haue the lande, the same parde, or an other in the name of season, and hath none other euidence, but the cōpye of the court rolle, and it may be made in fee symple, or fee taylor, or for terme of lyfe. And all maner of customes that be nat agayne reason, may be admitted and allowed for a custome. And howe be it that these maner of cōpye holders haue an estate of inheritaunce, after the custome of the maner, yet haue they no franke teneuent, bycause of the common lawe, and therfore they be called tenauntes of base nature. Wher semeth it were necessary and conuenient, to shewe diuers dyuersities howe copys shulde be made, for feare lest every man, that taketh vpon hym to kepe a court, hath nat perfittlye the experieñce therof, as hereafter enseweth.

Ffynis

Surreyenge.

First of Surrenders of landes holden by the yerde.

The Mall take a yerde in his hand by the end, and delyuer the stewartde the other ende in his hande, and say to the stewartde. Here J. A. B. doo yelde vp, or Surrender my landes callyd W the whiche I holde of thys lordeshyp at the lordes wyll, after the custome of this manour, to the behoue of John Brown and his heires.

Howe the stewartde Mall delyuer season.

The stewartde Mall delyuer hym an ende of the yerde in his hande, that Mall haue this lande, and he Mall saye thus to hym. My lord graunteth you season of this lande that was A. B. the whiche ye take here in the court to you and to your heires, to holde at my lordes wyll, after the custome of this maner, and than he Mall be swozne. &c.

The maner of the othe of the tenaunt.

I Mall beare faythe and trouthe to my lord of this manour, as for the landes and tenementes that I haue taken of hym, & truly do and pay the suites, customes, rentes, and seruices that longeth ther to, as for the terme that I Mall occupie it, so helpe me god. &c. and kysse the boke, and lay downe a peny as the custome is.

Howe

¶ Howe the copie shulde be made of landes
holden by the yarde

¶ A D hanc cur dominus cōcessit extra mas
nus suas per I. F. capitalem sen suum T. D.
& M. vxori eius vnum mess. et sex acras terre
cum pertiñ iacentur apud B. quibus dominus
per senescallum suum concessit seisinam ha
bend sibi & heredibus suis de domino per vir
gam ad voluntatem domini secundum consue
tudinem manerii, & dant domino de fine pro
ingressu inde habendū, prout patet in capite,
& fecit domino fidelitatem, et admissus est in
de tenens.

¶ An other forme for certayn rent, for
all maner of seruyce.

¶ A D hanc cur. dominus concessit per I. F.
senescallum suum. T. B. et M. vxori sue vnum
mess. sex acr. terre. ii. acr. prati, et vnum acram
bosci cum pertiñ prefatis T. & M. hered, &
assignatis suis ad voluntatem domini secun
dum consuetudinem manerii, redd. inde annu
atim domino, et hered. suis, vel successoribus
suis, si dominus sit religiosus. v. s. vi. d. pro
omnibus & singulis seruiciis ad duos anni ter
minos videlicet, &c. equis portionibus, et dāt
domino de fine, et c. et fecit fidelitatem.

¶ The common course is to put in certeyn
tie all their rentes, customes, and seruices,
in their copies, and that is in aunciente de
mayne, and in all placis where their tenants
haue

Surueynge.

haue theire landes by coppe to them and theire heyres, after the custome of the manour : for there they haue or ought to haue a customary rolle, wherein is euery mans lande conteyned, and what rentes customes, and seruices euery man oughte to paye and do : and in many places, theire lawes, and theire customes be putte in wrytyng, and remaine in theire owne keepinge, to put them in a redynesse, whan nede shall require. but and there shalbe made any newe inchoementes or intaches inclosed or taken in, out of the commons, or any myne newe found, as lead or tyn, cole, yron, stone, or suche other, if a coppe shalbe made thereof, it is than necessary and conuenient, the rent therof to be put in the copie, for it is a newe thyng that hath not goone by custome, and also it wolde be put in the customarpe rolle, for this newe approuement may fortune to encrease of rent or decrease in rent, and therfore the rentes must alway be expessed. Also where a man hath a lordship, wherein be many tenantes that holde theire landes of theire lord by coppy of court role for terme of yeres, or for terme of lyfe, where they haue no state of inheritauce: In all suche copies it is conuenient, that the rentes bee expessed in the same copies, causa patet.

¶ Recognition of the tenaunt what he holdeth of the lord.

¶ A D hanc cur. venit R. T. coram. S. E. fescallico huius manerii, et cognouit se tener, de dno vnu mess. decē acr. terr. tres acr. prati cum

cum pertiñ in L. voc. C. libere per cartam in
 focagio per redditū. xii. d. vel vnam libram
 piperis, & sextam cur. bis per annum. Et etiā
 dictus R. T. cognouit se tenere de domino
 alium messuagium cum crofto adiacente, &
 sex acras terre, et. ii. acras prati cum pertiñ,
 ad voluntatem dñi secundum consuetudinem
 manerii, et per redd. duorum solidorum, et
 fecit fidelitatem, et admissus est tenens.

¶ The forme of a coppe in auncient demayn,
 where the proclamacions
 shulde be had.

¶ A D hanc cur. tenē ibidem tali die et anno
 &c. venit A. B. filius et heres, I. B. et sursum
 redd. in manus dñi vnū messuagium, x. acr. ter.
 tres acr. prati cum vno crofto in D. infra ius
 risdictionem huius cur. ad opus, E. F. hered. et
 assign. suorum imperpetuum virtute bargas
 nie inter eos fact. Et super hoc publica pro
 clamatio in ead. cur. fact. fuit qd si quis aliquod
 ius seu titulum ad eadem messuag. ter. prat. et
 croft. vel in aliqua eorum percella pretēdere
 voluit, vel haberet, veniret, et audiretur, et
 nullus venit ad hanc cur. per quod secundum
 consuetudinem manerii, messu. predict. terre
 prata et croft. predict. remanerent in manus
 domini vsq. ad tertiam proclamac. super eorū
 dem fact. et super hoc dies datur est partibus
 predictis essendi ad proximam cur. manerii
 predicti, ad audiendum inde iudicium suū su
 per premissis, et ad hanc cur. tenē ibidem tali
 die

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die. & c. tam predictus A. B. & predicti E. F. venerunt, et super hoc secunda proclamatio facta fuit super premissis, quod si aliquis aliquod ius, vel titulum ad predictum messuagium terrarum, pratorum & c. haberet aut pretenderet, veniret et audiret. Et nullus venit, et super hoc dies datus est partibus predictis essendi ad proximam curiam manerii predicti et ad audiendum inde iudicium suum. Et ad hanc curiam tenent ibidem tali die. et c. tam predictus A. B. quam predictus E. F. venerunt, et super hoc tertia proclamatio facta fuit super premissis, quod si aliquis aliquod ius, vel titulum ad predictum messuagium terrarum, pratorum et croftum, vel in aliqua eorum parcella haberet, vel pretenderet, veniret et audiretur, et nullus adhuc venit. Et super hoc dominus per I. G. senescallum suum concessit leisinam de predicto messuagio, terris, pratorum, et croftum cum eorum pertinentiis prefato E. F. tenendum sibi heredibus & assignis suis secundum consuetudinem manerii predicti, et datus domino de fine ad ingressum & c. & admissus est inde tenens, et fecit fidelitatem.

The fourme of a copy in auncient demeyn,
where the wyfe shalbe examined.

Date.

In AD curiam tenent ibidem tali die anno. & c. T. B. de N. & M. uxor eius hic in plena curia sol. examinata et confess. sursum reddiderunt in manus domini unum messuagium & dimidiam bouatam terrarum ac unam quattronam terre cum suis pertinentiis in N. predicta voc. D. ad opus W. C. de O. unde accidit domino unum equum de heriotto.

&

et super hoc venit dictus W. C. & cepit de domino dicti mess. &c. cum suis pertiñ, habend & tenend sibi et Anne vxor. suę & her. et assigni ipsius W. imperpetuum secundum consuetudinem manerii, per redd. consuetudinem, et seruic. inde prius debet et consuet, et dant domino de fine pro ingressu habend dicti mess. & ceteris premissis. &c. et data est eis seifina, et fecerunt fideliter.

In other forme for terme of lyfe.

¶ AD hanc cur. &c. venit l. D. et l. vxor eius ipsa sola examinata corā fenescallo, et sursum reddiderunt in manus domini vnum tenementum cum pertiñ in A. iac. inter tenement l. B. ex parte orient et tenementum C. D. ex parte occident, et abbuttat super altam viā ex parte australi, & super gardinum E. F. ex parte boreali, ad opus G. H. & l. vxoris eius ad terminum vite eorum et alterius eorum diutius viuentis secundum consuetudinem manerii, et dant dño de fine, &c. et fecerunt fideliter,

In other forme vpon condicion,

¶ AD hanc cur. &c. venit l. C. et sursum reddidit in manus domini vnum cotagium iacens, &c. ad opus l. D. &c. tenend. sibi et hered. suis de domino ad voluntatem domini secundum. &c. sub condicionibus subsequentibus: videlicet si predictus l. D. soluat aut solui faciat prefat l. C. xl. s. ad fest. videlicet, &c. proximo futuro

D post

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post data huius curie, q̄ tunc presēs sursū redd
sit in suo robore et effectu, et si ipse defecerit
in solutione solutionū predict̄ in parte vel in
toto, q̄ ex tunc bene licebit prefat̄ l. C. et as
sign̄ suis reintrare, et rehabere predictum co
tagium, ista sursum redd̄. non obstante in al
liquo, et dat domino de fine, &c. et fecit fides
litatem. &c. et admissus est, &c.

CAn other maner of Currendye made to the
bayly out of the courte.

CA D hanc cur. &c. compertū est, q̄ T. C. ex
tra cur. sursum reddidit in manus l. D. balli
uī in presenc. D. R. et aliorū tinentium dos
mini huius manerii, hoc testante vnam acram
terre in C. quond. w. B. ad opus X. Z. cui domi
nus inde cōcessit seisinam tencū sibi et hered.
&c. de seruic. &c. et dat. &c.

CAn other foyme, where the loyde graunteth
a coppe of his speciall graunte.

CA D cur. apud D. tenē ibidē tali die et an.
&c. preceptū fuit balliuo seisir. in manu domi
ni, vñū tēntum siue mess. cū pertiñ l. B. voc. E.
eo q̄ ipse alienauerit, et vendidit dictū tēntū
cuidā l. T. sine licentia dñi, et inde respōdebit
dño de exitibus quousq̄. &c. et q̄ in ista eadē
cur. dñs ex sua grātia speciali concessit dictū
tēntum cum pertiñ p̄fato l. B. cui dñs inde con
cessit seisinā habend sibi et hered. &c. de dño
ad volūtatē secundū. &c. et dat. &c. et fecit. &c.

In nos

In other maner for terme of yeres, where
the lordc shall kepe reparation.

CA D hanc cur. dominus per I. F. senescallū
suum cōcessit I. E. vnum messuagium cum do-
mibus superstantibus et aduersas terras pra-
ta pascuas et pasturas cum sepibus fossatis, et
omnibus alijs suis pertiñ voc. A habend. et te-
nend. sibi et assigni suis a festo sancti Michaelis
his archangeli proximo futuro post dat huius
cur. vsq; ad finem et terminum quadraginta
annorum, ex tunc proximo sequentium et ple-
narie complendorū. redd. inde ānuatim. xx. s.
ad duos anni terminos videlicet. &c. per equa-
les po- tiones. Prouiso semper. q; durante ter-
mino predicto, predictus dñs inueniet merces-
mum totiens quotiens necessarium fuerit dis-
cto tenemento ad emendandum reperandum
et sustinendum, et dat domino de fine &c. et fe-
cit fidelitatem. &c.

In other maner, where a man pretendeth
a title, and after releaseth in the courte.

CA D hanc cur. tenē. &c. cōpertū est, q; cū dñs
pl. F. senescallū suū, ad cur. tenē apud C. tali
die et an. cōcessit extra manus dñi A. B. et hec
suis vnā peciam tre cōtinentē circa tres acras
terre siue plus siue min⁹ habeat, quon T. C. in
A. facentē inter terrā P. Q. ex parte australi et
terram R. S. habend. &c. ad voluntatem domi-
ni secundum. &c. et postea venit quedam Alicia
Bate coram prefato I. F. senescallo domini,
et pretendit habere titulum in predicta pecia
D li terre

Durueyenge.

terre, et hinc presens in cur. remisit relaxauit
et imperpetuū quietū clamauit prefato A. B.
et hered suis per licentiam domini totum ius
suum et clameum, quē habet, vel habuit vel in
futur. habere poterit in p̄dicta pecia terre, et
in qualibet inde pcella. Ita videlicet quod ipsa
Alicia nec hered sui, nec aliquis alius nomine
eorum aliquod ius, vel clameū in p̄dicta pe
cia terre de cetero exigere, vel vendicare pos
terit, scilicet ab actione iuris vel clamei sint
exclusi per p̄sentes, & dat dño, &c, et fecit &c.

**In other forme, where the heyre is admytted
to hys lande, after the dethe of hys father.**

¶ A D hanc cur. tenē. &c. compertum est quod
I. B. obiit seiscitus post vltimam curiam, qui de
domino tenuit sibi et hered suis vnum places
am terr. voc. C. & inde obiit seiscitus, & dicunt
quod R. B. filius eius, est proximus heres, &
plene etatis, vel infra etatē viz. xii. annorū,
et custodia T. W. vel S. B. frater eius, vel cons
anguineus eius est proximus heres eiusdem
I. B. & plene etatis, & presens hic in cur. petit
admitti, et admissus est inde tenens, tenend. sis
bi et hered. suis de dño ad voluntatem dñi ses
cundum consuet. &c. et dat. &c, et fecit. &c.

**¶ In other forme of landes tayed with
a remaynder ouer.**

¶ A D hanc cur. compertum est, quod R. B.
de A. ad cur. tenē apud E. talī die et anno &c.
sursum

Sursum redd. in manus domini vnum tenementum et tres acras terre voc. C. ad opus R. C. filii eiusdem R. et A. vxoris eius, quibus dominus concessit seisinam, tenend. sibi et hered. de corporibus eorum legitime procreas. Et si predictus R. & A. vxor eius sine her. de corporibus eorum legitime procreas obierint, quod tunc predicta terra & tenementa cum suis pertiñ remaneant rect her. ipsius R. B. Et modo curia ista informaretur per totum homagium, quod predictus R. et A. obierunt, sine herede inter eos procreas et predictus R. B. similis, et super hoc venit l. B. frater & heres predicti R. B. & petit admitti, et admissus est tenent. &c. et per licentiam domini prefatus l. B. concessit predictum tenementum et terras, que ei remaneant post mortem predictorum R. B. et R. C. et A. vxoris eius, remaneret w. C. et heredes suis, cui dominus inde concessit seisinam tenend. ad voluntatem dñi secundum &c. et dat. &c. et fecit, &c.

CAn other maner for terme of lyfe, with diuers remaynders ouer.

¶ AD hanc cur. venit R. B. et sursum reddit in manibus domini vnum messuagium, et octo acras terr. customar. voc. A. vt dominus faciet inde voluntatem suam, et dominus inde habet at seisinam. Et ex gratia sua speciali concessit predictum messuagiū et terr. prefato R. B. et l. vxori eius durante vita eorum, ita quod post eorum decessum dictum tenementum et terra remaneant B. vxori A. durante
vita

Surrepunge.

vita sua, et post decessū ipsius B. predicte terre et tenementa remaneant rectis hered. ipsius R. B. in perpetuum tenend. eisdem R. B. et I. vxori eius durante tota vita eorum per virgā ad voluntatē dñi secundum. &c. in forma preedicta, saluo iur cuiuslibet. &c. et predicti R. et I. dant dño de fine. &c. et fecerūt fidelitatē &c.

¶ A surrender out of the court, and a remainder with a condition.

¶ A D hanc cur. compertum est, quod R. F. languens in extremis sursum redd in manib⁹ B. R. extra cur. per manus I. H. in presentia A. G & B. D. tenent hui⁹ manerii hoc testant vnū messuagium cum pertiñ. &c. ad opus A. vxor predict R. F. tenend sibi per seruic. inde debet secundum consuetudinem manerii, pro termino vite sue, ita q post mortē dicte A. predict mess. remaneat I. filio predict R. et A. et her. de corpore suo legitime procreat. Et si contingat I. obier sine her. de corpore suo legitime procreat, quod tunc predict messuagium reman R. filio predict R. & A. et hered. de corpore suo legitime procreat. Et si contingat predict R. obier. &c. quod tunc predictū messuagium per executores vtriusq eorū diutius viuens vendat, et denarios inde recept et prouenient pro aiabus parent suorum et eorum in piis vsibus, et operib⁹ caritatiuis in missis celebrandis et elemosinis distribuēdis, prout melius eis viderint expedir. pro aiabus antecessorum et predecessorū suorum, quibus dominus

minus inde concessit scisinam tenend. in forma
predict. ad voluntatem domini secundum co
suet manerii et, dant dño de fine. & c. et fec. fi
delit. Et nota q si vnus eorum obiit, et heres
eius sit infra etatem, fidelitas respectuatur
quousq; ad etatem veniat.

CA Supplication to be exempte from all ma
ner inquestes and iurpes with in
the lordeshyppe.

CA D hanc cur. venit R. C. instans suppli
cando prout ipse per plurima tēpora trāfacta
supplicauit. Et profert domino finem annuas
lem nomine exemptiōis, vt ipse ex sua gratia
speciali et fauore ob causam senectutis infir
mitatis et debilitatis sue possit exonerare de
cetero, ab oībus et singulis inquisitiōibus ius
ramentis et offic. quoruncunq; , tam in hac
villa q; alibi infra cūm domini sibi obsciend
et assignand. quapropter aspecta vero senectu
te, vna cum infirmitate et debilitate sua, sub
fine annuali nomine exēptionis inde prolate,
ac suggestionē eius per tenentes et visus q; ip
sum veracit congrua testificata in premissis,
modo dominus concessit in ista curia per I.
F. senescallum suum prefato R. C. huiusmodi
licenc. fauorem et exemptionē ad terminum
vite sue durantur. et predict R. C. dat domino
de annuali redd. persoluendū annuatim. liii. d.
ad terminos vsuales.

CA D hanc cur. venit I. S. et dat domino de fi
ne pro secta cur. respectuand. per. i. annum,
vt patet.

D liii

Ad

Burnepenge.

¶ **A D** hanc curiam venit I. S. natus domini huius manerii, et petit licenc. ad maritand. filiam suam infra dominum istud. vel extra. et dominus per W. C. senescallum suum concessit licenc. et dat. &c.

¶ **Memorandum**, that there is no maner of estates made of free land by polle dede or dede indented, but lyke estates may be made by cōpy of cōpy landes, if they be wel made & entred in the court rolles. And the stewart is bounde by lawe and conscience, to be an indyfferente iudge betwene the lord and his tenants, and to enter theyr copies trewly in the lordes court rolles, the whiche is a registry to the lord, to knowe hys p̄sidence, customes, and seruices, and also a great suretye to the tenants, that if theyr copies were loste, they may vouch and resort to the lordes court rolles, & the stewart maye make them newe coppes, accordyng to the olde p̄sident in the lordes court rolle, like as at the common lawe, whan a matter in variance betwene two men is pass by verdicte, and iudgement gyuen therof, and entred in the kynges recordes, there it resteth of record, and also yf a dede or a patent be enrolled, there it remaineth of recorde in lyke maner, so that yf any partie wyll haue any cōpy therof, they maye sue to the iudges and the offycers of the place where the recorde lyeth, and haue a cōpy therof exemplified vnder the scale of offyce of the same place, where suche recorde lyeth, and maye pleade the same recorde in euery court the kyng

the kynge hathe, and the lordes steward maye
do in lykemaner. ec.

**¶ The othe of all maner of officers
generally.**

¶ To whome the steward shall say, lay thy
hand vpon the boke and say after me, I shall
trewe constable be, trewe thirdbowowe, trewe
reue, true frank plegé, true tythyngman, true
ale taster, trewe woodewarde, and true pyn-
der, wyth suche other offycers, that be vled to
be swoyne in the lordes couste, and trewe pres-
sentment make, and trewly and duely do and
kepe all thynges that belongethe to myne of-
fys to do, so helpe me god and my holydome,
and kysse the boke.

¶ The othe of a denisen.

¶ I shall trewe lyege man be, and true saythe
beare to kynge Henry, that now is, and to
his heyyes, and no treason do, nor there vnto
assent, nor no thefte do, nor no theues fellowe
be, nor anye of them to knowe: But that I
shall enforme and do to wyte them that be the
kynge's offycers therof, that haue the lawe to
gouerne, and I shall be buxome and obediante
to iustices, commysyoners, sheryfes, exche-
tours, baylyes, and constables, and to all o-
ther offycers of the kinges, in all thynges that
they commaunde me to do lawfully, soo helpe
me god and holydome.

D. v.

The

Surreynge.
The othe of asseroute.

I shall truly assere thys courte, and hyghe
no man for no hate, ne lowe no man for noo
loue, but to set eueri man trewly after the qua-
titie of hys trespassse to my knowledge, sauing
to a gentylmanne hys countynauce and hys
householdz, a marchaunt his marchandise,
a housbandz his tenure and hys werke bea-
stis to his ploughe, soo helpe me god and my
holydome.

This article gothe farther. Et quantum
reddat per annum de redditu assise. And how
much they yelde by the yere of rente of assyse
And fyrste ye shall know, that there be thre ma-
ner of rentes, that is to saye, rent seruyce, rent
charge, and rent secke. Rent seruyce is where
a man holdeth his lande of his lord by feal-
tie and certayne rent, or by homage, fealtie,
and certayne rent, or by any other seruyce and
certayne rent. This is a rent seruyce, and yf
the rent be behynde at any daye that it oughte
to be payd at, the lord may dystrayne for that
rent of comen ryght, and yf the lord purchase
parcell of the sayde lande, that the rent gothe
out of, the rent shalbe appoyncioned: except it
be an entyere rent, as a sperhauke, or a horlle,
or suche other, that cannot be seuered, for than
the rent is extynct and gone for euer. &c. Rent
charge, is where a man is leased of landes in
fee, & grāteth by pole dede, or by dede indēted
an annuell rent goyng out of the same landes
in fee or in fee taylor, or for terme of lyfe wpyth
a clause

a clause of distress: that is a rent charge, and the grauntee maie distrayne for the same rent, bycause of the clause of distresse. But yf the grauntee purchase parcell of the sayed landes, wherof the sayed rent gothe out, the hole rent charge is extinct and gone for euer. For suche a rent charge maie nat be appoyoned, bycause the landes come to his owne possession by his owne act or dede. Rent secke, is where a man seased of landes in fee, graunteth a rent goynge out of the same wythoute a clause of distresse: that is a rent secke, and it is called a rent secke, bycause there is no distresse incident nor belongyng to the same. Also yf a man by dede indented make a feoffment in fee or in fee taylor, the remayndre ouer in fee or for terme of lyfe remayner ouer in fee, reseruyng to hym certayne rente withoute anye clause of distresse in the same, that is a rent secke, and if the grauntee were neuer seased of the sayd rente, he is withoute remayndre by coulse of the comon lawe. There is another maner of rente: that is nother rent seruice, rent charge, nor rent secke, and that is called rent annuell. And that is, where as a man granteth by his dede, an annuity of .xx. s. be it more or lesse, and chargeth no lād with the paiment of the same. That is a rent annuell, & it chargeth the person that graunteth the said rent by a wytte of annuite, & in some cause a rent charge may become an annuel rent, as & a man grant a rent charge out of his lande with a clause of distresse, the grauntee is at liberte, whether he wil distreyne
for

Durueyenge.

For the rente, or sewe a wyttte of Annuitie agaynst the graunter. And if he sewe his wyttte of annuitie, the lande is discharged of any distress, and therfore the grauntour may make a prouision in his graunte. s. prouiso semper, quod presens scriptum, nec aliquid in eo specificatum, non aliquo modo se extendat ad onerandum personam meam per breue, vel actionem de annuitate, sed tantummodo ad onerandum terras et tenementa predicta de annuali redditu predicto. And this prouise hadde, the landes be charged, and the person discharged.

¶ Of those free tenauntes that sewe to the courte of the countie, and who seweth nat, and howe muche falleth to the lord after the deceasse of suche tenauntes. **Cap. xii.**

¶ I T E M inquirendū est de predictis libere tenentibus, et qui sequuntur ad cur. ad com in comitatu, et qui non, et quantum accidit domino post mortem talium liberorum tenentium. It is to be inquired of the foresaide free tenauntes, whiche of theym shall folowe, the court of the countie, and which nat, and what shall fall vnto the lord, after the deth of suche free tenants. We semeth that all maner such tenauntes that holde their lande by suche seruyce, hauynge charter lande, ought to folowe the court of the countie, if he be sumoned to appear, excepte he haue a speciall graunt by charter of the kynge to the contrary, & to be sworn in inquires befoze the iustice of peace, iustice of

of assyse, excheters, coroners, & all other commissioners of the kinges, & betwene ptie & ptie as the lawe hath ordeyned it, howe be it in some case he shal dispend and haue moze lādes than in some case, that is to say, if the damage in plee psonell, as dette, trespass, detinue & such other, be declared vnder the value of .xl. mkes, than a freholder that hath any charter lande, be it moze or lesse, may passe be twene ptie and partie. And also he is sufficient to enquire for the king in euery byll of inditement of felony & so is euery constable & freman, though he haue no land. But ther shal no cōstable nor freholder enquire of ryot nor forcible entrees, without he maye dyspend .xl.s. clerely. And therfore se the statute of kyng Richard the. ii. and king H. the. vii. And also wher the damages in plee psonell be declared .xl. markes or aboue, the freholder must haue landes to the clere value of .xl.s. And euery man that shal passe of lyfe and dethe & for tytell of lande, be it neuer so lyttell, he must haue landes to the value of .xl.s. clerely, aboue all charges. And it attepynte, if the thyng in demaunde and verdict vppon that gyuen, extend to the value of .xl.li. or aboue: Than euery mā of the graūde iury, must haue lādes to the value of. xx. li. of freholde, out of auncient demeyne, & of landes in Gauekynde xx.li. and if it be vnder the value of. xl. li. than xl.s. of freholde is sufficient. The statute reherseth further. *Quid et quātm accidit domino post mortem talium libere tenentium.* what and howe muche falleth to the lorde, after the dethe

Duruepenge.

death of suche free tenants, That is and may be, byuers maners of rentes, customes, and seruyces: As yf a ternaunt holde of the lord by knyght service & decesse, his heyre byng of ful age, the lord shall haue for euery knyghtes fee that the ternaunt holdeth of the lord. **L. s.** of his heyre in the name of relese. For the whiche the lord maye distreyn in euery parcell of that lande, that is soo holden of hym for the same of common ryghte. And yf it be vnder a holt knyghtes fee, as halfe a knyghtes fee, the thyrde parte, the fourthe parte, or the .xx. parte more or lasse: the relese shall be appoyconate, accordyng to the same, and shall pay his chefe rentes (if any be) neuerthelesse. And yf the ternaunt decesse, his heyre byng with in age of .xxi. yeres, the lord shall haue the warde and the keepynge of the body, durynge his nonage, and if he be vnmарyed, than his marpage to geue or sell to whome he wyl, without dyspargement, and whan he cometh to full age, he shall paye no relese, and yf he be maryed, and vnder thage of .xiii. yeres, he may refuse and disagre, but howe the garden or his commyt or graunte shall tende, and offre marpage to the warde, and if the warde refuse the offre, or if the warde bee rauished, and of wardes bycause of wardes, and of dyspargements of wardes, and disagrements after marpage, & of wast done by the garden, or his commyt or graunte, with mo articles perteynyng to the same, I remytte all those poyntes to men of lawe, that haue knowlage and experyence therof

therof, for it toucheh not my matter that I
treate of. And yf the tenant haue issue female,
aboue the age of .xiii. yers, be she maried or
nat maried, the lord shall nat haue the warde
ne the marpage, bycause the lawe entendeth,
that she hath a husbnde, or may haue at that
age, able to do suche seruice. But if the heyre
female be vnder thage of .xiii. yeres & unmaried,
the lord shall haue bothe the landes holden of
hym and the marpage, tyll she come to thage of
.xiii. yeres, and two yeres further to tend her
marpage in, if she be unmaried. And at the .ii.
yeres ende, she may enter into her lādes, & put
out her garden, and to mary her selfe at her ple
sure, but yf she be maried befoze the age of
.xiii. yeres in the lyfe of her auncester, and thā
her ancester dye, the lord shall haue the warde
of the land to the age of .xiii. yers and than her
husband and she may enter & put out the lord.
& yf the tenant holde of two lordes by knyght
seruice, of one by priortie, and of an other by
posteriotie, and dye: the lord, that the tenā
holdeth of by priortie, shall haue the warde of
the bodye, be it heyre male, or heyre female,
though there be .iii. or .iiii. doughts for all they
ar but one heyre to the landes, that he holdē of
hym. And the other lord, of whom the lādes be
holdē of by posteriotie, shall haue those lādes
holdē of hym selfe, and nothing els. And if the
tenant holde landes of one lord by knyght ser
uice, and also holde landes of an other lord
by socage and dye (his heyres beyng withyn
age) the lord of whome the landes be holden
of

Wittuepunge.

of by knyght seruyce, shall haue the warde and
marriage of the heire, and the landes holden
of hym, but he shall nat haue the landes holden
in socage, nor the lord of whome they be holden
of, nother. For those landes holden in socage
durynge the nonage, shall go to the nexte
of the bloode, to whome the inheritance may
nat descende, wherof he shall make accompte
vnto the heire whan he comethe to full age. &c.
And yf the heire be of full age at the deceasse of
his auncestre, he shall paye a relefe to euery
lord that he holdeth any lande of, yf relefe be
due to be payed, by reason of his tenure. But
in case that a tenaunte holde dyuers manours
of dyuers lordes by knyght seruyce, and haue
but one parcell of lande holden of the kynge
in capite, the kynge shall haue all the hole lan-
des holden of euery lord durynge the nonage:
and the marriage of the heire, if he be vnmarr-
ied, and if the heire be vnder the age of .xiii.
yere, and wyll dyslage to the marriage, than
the kynge shall haue the marriage of hym or
her, or the value therof, and the kynge shall
paye no chiefe rente durynge the nonage, except
it be founde due to be payed in the offyce of
therchetour, and many other thynges maye
fall to the lordes, as herropottes and other cus-
tomes accordynge to theyre orygyynall dedes,
and vse of the manoure. And ye shall vnder-
stande, that there be two maner of herropottes,
that is to wytte, herropotte seruyce and her-
ropotte custome. Herropotte seruyce, is where a
man hath gyuen landes and tenementes to
a nother

a nother man and to his heyyes, to holde of hym and of his heyyes, as before the makynge of the statute, *Quia emptores terrarum*, or sythe the makynge of the sayd statute, to holde of the chiefe lord of the fee, by the seruyces therof due & of ryght accustomed, reseruyng to hym certayne rentes, herryottes, or any other custome: This is rente seruyce and herryot seruyce, by cause it is expessed in his ovygynall dede. Herriot custome, is where a man hath a lordshipp, wherein hath ben bled tyme out of mynde, that every tenaunt, that holdeth any mase place of the lord, shall gyue his best quykke good in the name of an herryot to the lord, & he that hath no quykke good, shall giue his best deed good. And in some place the tenaunt shall gyue for every mase place that he holdeth a herryotte, though the houses were lette downe an hundred yere before, the which me semeth shuld be a great bybery & extorcion, as I sayde in the prologue of this treatyse. And therefore, it is wysedome for every man to take his house by indenture or by copie, wherin may be expessed, what rentes, herryottes, customes, and seruyces the tenaunt shall paye, and do, for a lord maye abydge & make lesse his custome by wrytyng, but though he make wrytyng, and specyfye what rent he shall pay, he muste say further, for all maner rentes, herryottes, customes and seruyces. And in some lordshyppe, every man that dyeth within the same, be he the lordes tenaunt or nat, shall pay an herryotte. In so muche that yf a straunge
E
man

Surreyenge.

man ryde oꝝ go by the waye, and dye withim
suche a lordshyppe, he shall pay an herriot, the
whiche is playne extortion and agaynste the
cōmen ryght. For bytwene the lord and hym
that dyed was no maner of pryncipe of bar-
gayne oꝝ couenaunt. And in some lordshyppe,
the lord shall take his herriotte before the
person oꝝ the viccar his mortuary, and in some
places the church before. And that is, as it
hath ben accustomed and vsed tyme oute of
mynde. But for the most part the lord taketh
before, bycause the lord maketh couenaunte
with his ternaunt in his lyfe, that he shall haue
his best quicke good at his decesse, and the
mortuary is nat due tyll he bee deed, and the
herriotte was couenaunted and graunted be-
fore in his lyfe, and the fyrste bargayne must
be obserued and kepte. And also in some places
it is parted betwene the church and the lord,
⁊ that is, where he that is deed hath no more
quicke good, but one horse oꝝ one beast, and
than he that hath be vsed to chose fyfthe, shall
haue the better parte by one peny, but of deed
good, eyther party shall haue one. But there
shall nouthur of them take any deed good, as
longe as there is any quicke goodes. and in
many lordshyppes, it is vsed, that and the te-
naunt leaue his howse by his owne wyl, with
out any discharge of the lord, the ternaunts
shall pay his beste quicke good to the lord in
the name of an herriot ⁊ in some lordshyppes
it is accustomed, that if the ternaunte departs
fro the lordshyppe by his owne wyl, he shall
make

make a fyne with the lord for his departing, and most commonly it is 11 s. and it is called a farefee or a farewell. And such a tenant that gothe at his owne wyll, shall make all maner of reparacions, and that tenante that is discharged by the lord or by his officers, shall make no reparacions, excepte he be discharged for not doing reparacions. &c.

Chowe many customary tenants there be, and howe muche landes every of them holdeth, and what workes and customes they do, and what the workes & the customes of every tenaunt is worth by the yere, and howe muche every of them payeth, ouer the customes and workes. &c.

Cap. xiii.

¶ I T E M inquirend. est de customariis videlicet licet quod sunt customarii, et quant terre quislibet customarius tenet, quas operationes, et quas consuetudines facit, et quantum valent opera et consuetudines cuiuslibet customarii per se per annum, et quantum redditu de redditu assise per annum preter opera et consuetudines, & qui possunt taliari ad voluntatem domini, et quod non.

It is to be enquired of customary tenants, that is to witte, howe many there be, & howe muche lande every tenaunt holdeth, and what workes & customes he doth, & what the workes & customes be worthe of every tenant by it selfe. and howe muche rent by the yere, aboue his workes & customs, he doth pay, & which of the may take their landes at the wyll of the lord.

¶ II

and

Surueynge.

Customary
tenantes.

and whiche nat. Customary tenauntes are those that holde theyr landes of their lord by coppe of court rolc, after the custome of the manour. And there may be many tenauntes within the same maner, that haue no coppes, and yet holde by lyke custome and seruice at the wyl of the lord. And in myne opinion it began some after the conqueste, whan William conquerour had conquered the realme, he rewarded all those that came with him in his biage royall, accordyng to theyr degree. And to honorable men he gave lordshippes, maners, landes, and tenementes, with all the inhabytauntes, men and women dwelling in the same, to do with them at theyr pleasure. And those honorable men thought, that they must nedes haue seruantes and tenantes, and theyr landes occupied with tyllage. wherfore they pardoned the inhabytantes of theyr lyues, and caused them to do all maner of seruyce, that was to be done, were it neuer so vile, and caused them to occupie their landes & tenementes in tillage, and toke of them such rentes customes & seruyces, as it pleased them to haue. And also toke all their goodes & cattell at all tymes at ther pleasure, & called them their bondmen & by the that tyme many noble men both spirituall and temporal, of their godly disposition, haue made, to dyuers of the said bondmen manumissions, & granted them freedom and libertie, & set to the their landes and tenementes to occupie, after diuers maner of rentes, customes, and seruyces, the whiche is vsed in
dyuers

byters places vnto this day, Howe be it in some places the bondmen continu as yette, the whiche me semeth is the greatest inconuenience that nowe is suffered by the lawe, That is, to haue any cristen man bounden to another, and to haue the rule of his body, landes, and goodes, that his wyfe, children, and seruantes haue laboured for, all theyr lyfe tyme, to be so taken, lyke as and it were extortion or bybery. And many tymes by colour therof there be many freemen taken as bondmen, and their landes and goodes taken fro them, so that they shall nat be able to sue for remedy, to proue them selfe free of blode. And that is mooste commonly where the free man haue the same name as the bondmen haue, or that his auncesters, of whome he is comen, was manumysed before his byrthe. In suche case there can nat be to great a punishment. For as me semeth, there shulde no man be bounde but to god, and to his kynge and pryncce ouer hym. Quia deus non facit exceptionem personarum, for god maketh no exceptiō of any person. wherfore it were a cherytable dede to euery noble man both spirituall and temporall, to do as he wolde be done by, and that is to manumise them that be bonde, and to make them fre of body and blode, reseruyng to them theyr rentes, customes, and seruyces of olde tyme due and accustomed, wherein they may get the prayers of the partie, and remysyon of theyr offences, as in the gospell: Eadem mensura, qua mensi fueritis, merietur vobis.

Eiii,

The

Of bondmen.

Roman. 2.
Eph. 6.
Galat. 2.
Coloss. 3.
Act. 10.
I. Pet. 1.
Iacobi. 2.

Luc. 6.

Surueynge.

The same measure that ye do mete to other men, shall be metten to you. In many lordes myppes there is a customary roole bytwene the lord and his ternautes, and it oughte to be indented, one parte to remaine in the lordes keepynge, the other parte with the tenants, and dyuers trewe coppes to be made of the same, that the rentes and customes runne not out of remembraunce. And also a suite rolle, to call all those by name, that oweth any suite to the lordes courte, and than shall there bee no concelemente of the suitours, but that the stewart may knowe, who is nat there and yf any suitour deceasse, the name of his next heyre wolde be entred in to the same rolle, and an inquiry made and presented, what he helde of the lord, and by what rentes, customes, and service of every parcel by it selfe, and who is his next heyre, and of what age he is of, and this truly done and entred in to the rolle, it wolde be a conueyaunce of discent in maner of a petie degree, and profitable to the lordes, and also the tenants, causa patet. The name of every ternaute muste be put in the rolle, and his mete place to be buttred and bounded, as it lyeth in lengthe and bryde, and bytwene whome, And also his landes, medowes, leys, and pastures likewise buttred and bounded, that it may be knownen many yeres after, who dwelled there: and what landes, medowes, & pastures lay on the same at that tyme. And what warkes and customes the ternaunt dothe for every parcell, and what the warkes

markes and customes be worth in a yere, and howe much: rente the tenaunte doothe paye for euery parcell, besyde the customes and markes, to the entent, that if any parcell of lande: medowe, or pasture be alpyened, solde, or chaunged, or put frome one tenaunt to an other, The loyde and his baylye may know what rentes, customes, and werkes, he shall aske and haue of the occupier for euery parcell. And it is the mooste speciall poynt that longeth to a surueyowr, to butte and bounde truly euery parcell by it selfe, and to knowe what rentes, werkes, customes, and seruyces, goeth out of the same, for than may he make a true rentall or customary rolle, and put all thynges in a certentie.

Of cotiers what cotages and curtylages they holde, and by what seruice, and howe muche rent they paye by the yere. &c. Cap xiii.

ITEM inquirendū est, de cotagellis, que cotagia & curtilagia teneant, et per quod seruicū et quantum reddant per annum, pro presdictis cotagiis et curtilagiis.

Also it is to be enquired of Cotagers, what cotages and curtilages they holde, and by what seruice: and what they paye by the yere, for the foresaid cotages and curtylages. This chap. & the next presidēt, be bothe of one effect, but that is is to presume, that there is nat soo muche rentes, herriotes, customes, & seruices to be payde and doone for a cotage, as there is

Curtilage

for

Surrepence.

for a mese place or a better tenement, but it
maye be lyke custome and seruyce.

Of perquesytes or profytes of countyes,
of courtes, and of focestes, what they be
worthe by the yere. *Cap. xv.*

ITEM inquirendū est de perquisitis comi-
tatum, cur. forestariorum, cum expeditas
mentis canum, & quantum valent per annum
in omnibus exitibus,

Also it is to be inquired, of the perquesites
and profites of the countyes, of the courtes, &
of the focestes, with the cuttinge of the dog-
ges clefse, and howe moche they be worthe by
the yere in all the issues and profittes. This
chappter toucheth nat the office of a Sur-
uepour but lyttell, for the issues and profyts
of the countyes, sessions, and assyses, are
moſte commonly the kynges, and they be kept
and ordeyned by the Sheryffe and the Justices
of pease, that be ordeyned and put in com-
myſſyon by the kyng and his counsaill, and
the issues and profytes of them are extrepted
by the sayde iustices, and retourned in to the
kynges eschequer, and ther they rest of recorde
the whiche afterwarde is extrepted agayne,
and send downe to the Shyffes of euery coun-
tye, to leuy and gather by the same, & ther of
to make an accoumpt in the sayd eschequer, and
it is called Greene war. And the courtes of
the focestes be ordeyned and kept by the iusti-
ces of the focestes and theyr deputies, and the
issues

Expedita-
tion.

Greene
warre.

issues and profytes therof, the whiche cometh moſte cōmonly by fynes and mercimētes, are nat extreted in to the eſchequer, but made oute by the ſtewarde to the baylyes, and other officers of them that oweth the foreſt. And there me ſemeth the Durueyour may ſyt with the iuſtyces of the foreſtis for one thyng ſpecially, and that is this, that no townſhyype nor hamell enter cōmen whith in the foreſtes, chaſes waſtes, heythes, moores, and ſuche other great commens, but all onely ſuche, that of ryghte ought to haue cōmen wythin the ſame, wherfore yt wolde be ordeyned, that euery townſhyype and hamell, that oughte to haue any ſuche commen in any foreſtes, chaſes, waſtes, moores, heythes, and ſuche other great commens, where diuers townſhyypes and hamells entercommen togyther, euery townſhyype and hamell oughte to haue a dyuers brennyng pylon, and euery beaſte, hore, mare and colte, that is put vppon the cōmen ought to be brenned in ſome parte of hys body wythe the ſayde pylon, and than ſhal euery beſte be knowen, of what townſhyype he is, And that were a greate redynes to the keepers, and alſo a greatte ſauegarde for ſtealyng of the cattell. And than maye the keepers, regarders, goſtlers, and other offycers of ſuche foreſtes and chaſes, haue perfyte knowledge, what townſhyype the cattell is of. And yf any of theſe ſayd offycers fynd any maner of cattelle, hauyng no ſuche brennyng, they maye attache them and leyſe them as ſtrayes, and put them

Surueynge.

In safegarde to the lordes vse, tyll they be payed and dyed. And they ought to aske theym thre sondays in thre or foure nexte parische churches, & also crye the thre tymes in the nexte market towne. And if no mā com with in the yere and the day, and to make sufficient pfoe that the cattell is his, than it is forfayte to the lord as a strey, and in lyke maner the swyne and sheepe of euery townshipp and hamell, ought to be pytched with the said byensynge yron, or suche an other lyke the same, but as for all other pointes and articles touching the forrestes, the Surueynour hath lptell to do. wherfore I remitte all other articles to the Justices of the forrestes & to theyr deputies to execute theyr office, & ye shall know that no man shall haue a forreste of ryghte but the kyng, excepte he and his ancestors haue had a speciall graunt therof by chartur of the king & his progenitours in tymes paste, & so vled. 4c.

OF churches that belonge to the gyfte of the lord, howe many there be, and where they be, and what euery church is worthe. 4c. Cap. xvi.

ITEM inquirend est de ecclesiis, que pertinent ad donationē domini, quod sunt, et ubi et quantum valent, et quantum quelibet ecclesia valet per se per annum, secundum veram estimationem illius. It is to be enquired of all the churches that be longe to the lordes gyfte, howe many there be, and where they be

be, and what they be worth, and what euery church is worthe by it selfe by the yere after the true estimation of the same. The letter of this chapter is very playne, and nedeth nat moche declaration further than is spoken of, but alconclly in one thyng, and that it is this, oft tymes he that hath ryghte to p[re]sente to a church at one tyme, hath not ryght to p[re]sent to the sayd church at the next time. And that is where any sole patrone of a church hathe issue, two, thre or foure daughters, and descelleth, so that the ryght of patronage of the sayd church descendeth to all the sayde daughters. whan the church is voyd, they shall p[re]sent by turne, the eldest daughter fyrste: than the seconde at the nexte auoydaunce, than the thied, & so forth, tyll they haue p[re]sented ones ouer, and than to begyn agayne at the eldeste daughter, excepte they make any other partition amonge them selfe by agreement. And thus muste euery one of them p[re]sente by theyr turne accordyng to their partition, as it commeth about. And so muste the Surueyours make his booke, accordyng to the ryght of the p[re]sentacion, as euery tyme, second tyme, thirde tyme, or fourth tyme, & so forth. Also what lordes or gentylmen haue their turneys with theym in the same benefice, and whiche of them p[re]sented laste, and who shall haue nexte, and who than, tyll they haue gone about, and in what towne it is, and in what myne and diocesse it is, and what euery benefyce is worthe by it selfe by the yere, as it can be estimate.

what

Surueynge.

¶ What the herpottes be woꝛthe, the sayes, excheates, customes, seruyces, and foꝛeyne warkes: the ples & perquesytes of the courtes, fynes releses, and all other thynges that may fall to the loꝛde by the yere.

Cap. xvii.

¶ I T E M inquirend. est quantum valent herriotta, nundine, escaeta, consuetudines, seruic. et operationes forinsice, et quantum valent placita et perquesita, fines et releuia & omnia alia quę accidere possunt per annum in omnibus.

¶ It is to be inquired, what is the value of herriottes, sayes, exchetes, customes, seruyces, and foꝛeyn warkes, and what the ples be woꝛthe, and the perquisites oꝛ pꝛofytes of the courtes, fynes, releses, and all other thynges that maie fal by the yere in al. This chapꝛ gothe in generalitee, and is lyke, as whan an auditour hath caste all the mynister and partycular accomptes of euery baply oꝛ reue and other accomptaunce, and hath made his boke persyte of all the particular, where vpon the holle charge resteth: Than whan the loꝛde wolde know what the extent is of all his holle landes, and also of euery particular parcell by it selfe, it were to longe a processe to shewe hym all the sayde mynister and partycular accomptes, and thoughe he dyd, he shoulde not know the grosse sommes of his rentes, fynes, herriottes, exchetes, perquesytes, and suche other,

other, euery of them by hym selfe. wherfoze he
 wyll cause his auditor to make a value in ma-
 ner of a byedgement of all the sayde mynystre
 accomptes, and fynde to know the hole charge
 of all the particulars, what they be at the fyist
 syght, in the summes totall. Than to deuyde
 the sommes totall in dyuers parcels, as the
 chiefe rentes of the freeholders by them selfe,
 the rentes of the customary tenauntes by them
 selfe, tenauntes by indenture, or tenauntes at
 the lozdes wyll by them selfe, so that he maye
 make a grose somme of euery maner of rente,
 so that one rent may be knowe from an other.
 But than must the auditour haue good and
 perspyte informacion, or els he can nat do it,
 and that informacion must come by the sur-
 ueyour and the baylyes, for they oughte to
 knowe one maner of rent from an other, and
 therfoze they rentalles wolde be made accor-
 dyng. also the perquisites of the courtes by
 them selfe. And those muste be in lyke maner
 deuyned, as the plects by them selfe, the mer-
 cementes for comen trespass by them selfe,
 fines by them selfe, herpyottes by them selfe,
 exchetis by them selfe, and so of relifes, feynes,
 markettes, and all other casualties, euery of
 them by them selfe, and ought to be presented
 in the courte by them selfe. And therof to bee
 made an estrept to the bayly or reue to gather
 by, and brought into the accompte to the au-
 ditour, the whiche he may deuyned in makynge
 of his value, if the accomptaunte bynge hym
 perspyte rentals and courte rolles, and nat no.

But

Dutiepenge.

But if they do not at the fyrst tyme, he muste
seeke & enforme them howe they shoulde make
them paye. Also customes, seruices, & war-
kes be oft tyme doone by bodily seruice and
warkes, and than they be not to be accepted
for, but yet mention wolde be made in the ac-
counte therof. And many tymes suche maner
of customes, seruices, and warkes be turned
into money: And than it comonlye goth with
the rentes, & the bayly or reue is charged ther-
with: And this chapter reherfed further. Et
omnia alia que accidere possint per annu in om-
nibus. And of all other thynges, that may fal
to the lord, what they be worthe by the yere.
And those may be taken as mynes of tynne,
lead, ore, cole, pyon, stone freestone, mylne sto-
nes, gryndel stones, lyme stones, chaulke, ful-
lers erthe, sande, clep, grauel, brome, goyse, or
spys, marle, turues, thornes, wodde, bus-
shes, heythe, ferne, or broken, and suche o-
ther, if there be any newe founde, and oughte
to be put in a rental to a certentie, or elles to
be put in account by the waye of appowe-
ment. And than the auditour may deuyde the
casualties from the certenties, and to make
a grosse summe of them all. And yet may the
value of euery thyng appere and be known
howe muche it is by it selfe. And than muste
there be deduct out of the sayde grosse somme
all maner of out rentes and ordinary charges,
as baylyes fees, reparation, and suche other,
and than to make a clere grosse some of euery
yere by hym selfe. And bycause ofte tymes
more

more casualties fall oꝝ come to the loꝝde more
in one pere than in an nother, therefore it is
conuenpente, that the clere grosse summes of
spue oꝝ syre peres, oꝝ mo, wolde be caste togy-
ther in one grosse some, & to dꝛayde that some
in as many partes as there was peres cast to-
gyther, and than the clere value of oone pere
wyl be commonly about that somme so deu-
ded. And thus endeth the bꝛefe declaration of
this statute. Extenta maneris.

Explicit.

**Of dyuers maners of takynge and
doyng of homage and fe-
altie. Capit. xviii.**



As so much I haue shewed dy-
uers diuersities of tenures, and
also diuers maners of making
of copies, and the othes of the
officers of the courte, though
they be nat expessed in the sta-
tute, me semeth also it were con-
uenient, to shewe the diuersities and maner of
takynge and doyng of homage and fealtie.
And ye shall vnderstande, that homage is the
moſte honorable seruyce, and the most humble
seruice of reuerence, that a free man may do to
his loꝝde. For whan the tenant shal do homage
to his chiefe lord, of whom he holdeth his chiefe
maner oꝝ mancion place, by knyghte seruyce,
and

Surueynge.

and p̄sente, he shall be vngyde, and his heere
vncouered, and the lord shall sytte, and the
tenaunte shall knele before hym on bothe his
knees, and shall holde his handes stretched
out togyther bytwene the lordes handes, and
shall say thus. I become your man frome this
day forwarde, of lyfe and of membre, and of
worldely honoure. And to you shall be saythe-
full and lowely, and shall beare saythe to you,
for the landes and tenementes, the whiche
I holde of you, sauyng the saythe that I owe
to our soueraygne lord the kynge, & my other
lordes. And the lord so syttinge shall kysse
his tenaunt, the whiche is a sygne of persyte
loue. And why saythe the tenaunt, of lyfe and
of membre, and of all worldely honoure: By
cause he holdeth his landes of his lord by
knyght seruyce, and also by p̄sente, for and
he holde other landes of an other lord by
knyght seruyce and posterioyte, he shall not
say to hym of lyfe and of membre, for though
he be bonde to him by reason of his tenures
of knyghte seruyce, to go to battayle with his
lord, and to putte his lyfe and members in
seopardye with his lord, yet can he nat goo
with them bothe. And therefore shall he go to
batayle with that lord that he holdeth his lan-
des of by p̄sente. And by cause therof, if any
suche tenant dye, his heire being within age,
the lord shall haue the keepinge of his body,
and the profyte of those landes that he holden
of hym, during the nonage, and also the ma-
riage of him, wherfore it is to be presupposed
that

that the lord will be more louyng and kynde to hym, than any other of his frendes wolde be. Seynge than whan he cometh to full age, he shall put his lyfe in seoperdye for his lord, the whiche byndeth the lord by reason the rather to dooe for hym, whan he is not able to helpe hym selfe, where as his frendes may fortune, cared not for hym, and had leauer an other had the lande than he.

¶ And if an abbot or a pypour, or any other man or woman of religion shulde do homage, they shall say, I become your man. &c. bicause they be allonly professed to god, to be his men and women, and to none other. And therefore they shall knele and holde theyr handes as the other dyd, and say thus, I do to you homage, and to you shall be faithful and lowely, for the landes and tenementes, the whiche I holde of you, sauyng the saythe that I owe to our soverayne lord the kyng. &c.

¶ And yf a woman sole shoulde do homage, she shall nat say, I become your woman: for it is nat conuenient, that a woman shoulde become woman to an other man, than to her husbände, whan she is married. And therefore she shall saye as the religious men and women do: I do to you homage. &c.

¶ And if a woman couert with baron shal do homage, they shall knele before the lord both, & the lord shall take both their handes betwene his handes, and the husbände shall speake all the wordes, as thus, we do to you homage, and saythe to you we shall beare for the landes

that

that

Durawpunge.

that we holde of you, sayunge the sayth that we owe to our Soueraygne lord the kyng, his heires, and to our other lordes, and they both shall kysse the lord. &c.

And in case a man shulde do homage to his lord, and the lord graunte his homage and seruyce to an other man. Now shall the tenant doo his homage and seruyce to the graunter, after this maner: I becomie your manne fro this day forth, and to you shall be saythefull and lowely, for the landes and tenementes that I helde of A. B. your grauntour, in the townes of C. D. the whiche to you he hath graunted my homage and seruyce in the sayde townes, sayunge the sayth that I owe to our Soueraygne lord the kyng, and my other lordes &c.

And knowe you, that one lord may haue done to hym dyuers homages of dyuers tenantes for one maner of lande. But one tenant shall doo but ones homage for one maner of lande, for though the lord dye, his heire or his assigne, if he sell it or graunt it away, they do represent the lordes estate. But and the tenant haue done his homage to his lord, and after the maner, wherof the ternaunte holdeth his landes is recouered agaynst the lord.

Nowe shall the tenant do his homage agayne to hym that recouered the maner, for he cometh nat in by the lord, but by force of the recouere, the whiche proueth the fyrst homage to be voyde, for it was done to hym that had no ryght to take it. &c.

Also

Also ye shall knowe, that a man maye dye, strayne his tenauntes cattell for homage by course of the common lawe, and also for relefe. And though he a man haue payde his relefe, yet he shall do homage and feaultye. Also ye shall vnderstande, that no man shall do homage, but he that hath a state of inherytaunce in fee simple or in fee taylor, in his owne right or in his wifes, for tenantes, for terme of lyfe, tenantes by the curtesy, nor tenante in dower, shall do no homage, nor take no homage. &c.

And if a man holde landes of the kynge in chiefe, and haue issue thre or foure daughters and dye, all the daughters shall do homage to the kynge. And if the landes be holden of an other lord, the eldest daughter shall do homage for all, and also the seruyces, and the other daughters shalbe contributoryes, & beate euer y one of them their porcion of the same.

And whan a free man shall do feaultye to his lord, he shall lay his hand vpon the boke, and shall say thus, here you my lord that I, w. de E. fro this day forth, to you shall be faythfull and lowly, & sayth to you shal beare for the landes and tenementes that I clayme to holde of you, and loyally shall do and pay the rentes, customes, & seruyces, that I oughte to do at the termes assignned, as god me helpe and all saynctes, and than kysse the boke.

Whan a villayn shall do fealtie to his lord, he shall laye his hande vpon the boke and saye thus, Here you my lord I, that I, w. de E. fro this day forth to you shalbe faythful & lowly,

Surueyenge.

and to you shall do all the customes and seruises, that I ought to do to you, for the landes that I holde of you in villenage, and I shall be iustifiable of body and of goodes, as god me helpe and his sayntes, and than kyffe. &c.

Whan a vilayne that holdeth no landes of the lord shall do fealtie, he shall lay his hande vpon the boke, & say thus. Here you my lord I shal be faythfull and lowly, and I shall be iustifiable to you of bodye and of goodes, as god me helpe and his sayntes, and kyffe the boke. &c.

What a surueyore shoulde do.

Capitulo. xix.

Nowe this statute is bryefely declared, it wolde be vnderstande, howe a lordship or a maner shulde be surueyed & viewed, buttred & bounded on every parte, that it maye be knowne for ever, whose every parcell therof was, at the makynge of this boke, & it may serue as well to saue the inherytaunce of the lordes, as of every freeholder by charter, cōpye holder, and customary holder, & to knowe every mans lande, as it lyeth to his house one from an other, so that it may be knowne an hundrede yerres after, & for ever, what maner of landes, and how many acres every mā had to his house at that tyme, and where they ly. The name of a Surueyore is a frenche name, and is as muche to saye in Englyshe, as an ouer

ouersee. Than it wolde be knowen, howe a
 suruey our shulde ouersee oꝝ suruey a towne oꝝ
 a lordeshipp. As if the cite of London shoulde
 be surueyed, the suruey our maye nat stande
 at Hygate, noꝝ at Shoters hylle, noꝝ yet at
 the Blacketheth, noꝝ suche other places, and
 ouerlooke the cite on euery syde. For if he do,
 he shall not see the goodly stretes, the fayre
 buyldynges, noꝝ the greate substaunce of ry-
 chesse conteyned in them, for than he may be
 called a disceyner, and not a suruey our: And
 in lyke wyse yf a man shall viewe a close oꝝ a
 pasture, he may not loke ouer the hedge, and
 go his waye, but he muste other wyse oꝝ go
 ouer, and see euery parcell therof, & to knowe
 howe many acres it conteyneth, and howe
 muche thereof was medowe grounde, howe
 muche pasture grounde, howe muche woode
 grounde, oꝝ bushe grounde, heyth, lynge, oꝝ
 suche other, and what an acre of medowe
 grounde is worthe, & what an acre of pasture,
 & what an acre of the wood grounde oꝝ bushe,
 and suche other be worthe. And what maner
 of cattell it is best for, and howe many cattell
 it will grasse oꝝ fynde by the yere, and what
 a beastes grasse is worthe by the yere in su-
 che a pasture, oꝝ elles he can nat set a true va-
 lue what it is worthe. And therfore a suruey-
 our muste be dyligent and laborous, and nat
 slouthfull and retchelesse, for and he be, he is
 nat worthy to haue his fee oꝝ wages, and may
 fortune to make an vnperfyte boke. And if he
 so do, it is to his shame and rebuke, and great

Surueyenge.

icoperdye to his soule to make a false president, wherfore it is conuenient to remembre the sayenge of the wyse philosopher. Adhibe curam, that is to say, take hede to thy charge, and so if he shulde viue a cite or a towne, he muste begyn at a certayne place, as if it were at the drawe bydge of London bydge on the West syde, and there to make his titelpnge where he begynneth, & to shewe who is lord of the howse nexte vnto the sayde bydge, and who is ternaunte. And yf he be a freeholder, what chicke rente he payeth to the lord customes or other seruices. And if it be, no free holde, that the rent nedeth nat to bee spoken of but at his pleasure, for it may ryse and fall. And howe many fote in bryade and how many in lengthe. Than to the seconde howse on the same West syde in lyke maner, and so to peruse from howse to house, tyll he come at saint Magnus church. And than returne agayne to the sayde drawe bydge on the weste syde, & thet begyn at the house next to the said bydge, and to peruse from howse to house, tyll he come to the corner nexte Temmes strete, and than he maye chose whether he will folowe the southsyde of the said Temmes strete, westwarde and Eastwarde, tyll he haue perused the hole paryshe. And if there be any maner of gardens entrees or aleys, or other dwellynge places within forthe, they may nat bee ouershipped, forgotten, nor laste out, but taken by the way: Howe muche euery garden is, howe longe euery aley and entre is, and howe many
dwell

Dwelling places be therein, and whose they be and howe many cellars or tauernes there be, and howe many footes euery one of them bee in length & bryde. And so to go from paryshe, to paryshe, tyll he haue viewed the cytye, and euery strete and lane wolde be remembred, what lengthe and bryde they be of. And also, euery church and church yarde, & other voyde places the whiche wolde aske a great leyfar, but yet it is possyble to be doone,

CHowe a man shulde viwe, but, and bound, the maner and the towneshyp. Cap. xx.

The towne of Dale.

The viue of the maner of Dale taken the tenth day of May the. xiiii. yere of the raygne of kynge Henry the. viii. by A. B. generalle Durueyour to the ryght honorable lorde. C. D. lorde of the same, and by his commaundes mēt, and also by the othes of E. F. G. H. and many other tenants of the same, as hereafter ensueth.

The cytye of the maner of Dale standeth & lyeth betwene the kynges hys way leadynge from the towne of A. vnto the towne of B. on the south parte, & the church yerde of the same towne of Dale on the West syde, & the common felde of the same towne called the north felde on the north parte. And the tenth or nysse place of John Loke on the west part, & conteynethe xxx. perches in bryde & xxx. pches & foure fote in length, euery perche. xvi. fote & a halfe. whereupon is set the maner place sufficiētly buydded

f iii

with

Turnepenge.

With two crosse chambres of stone, of brycke
or tyMBER: with all maner howses of offyce
within forth, and two barnes, and an ox hous,
a heyhowse and a stable, a garden & an orchard.
And if it be moted about, expresse howe muche
howsyng standeth within the mote, and howe
muche without, and with what maner of co-
ueringe the howses be couered. The whiche
maner with the demayns, landes, medowes,
leyse, and pastures be now in the holdyng and
occupation of T. S. and payeth by the pere,
at foure termes or two tymes there vled. s. 4c.
by euen pozepons. vi. li. xiii. s. iiii. d.

The syte of the personage standeth & lyeth
betwene the sayd hye way on the south parte,
and the sayde churche on the weste parte, and
the sayd north felde on the north parte, and
the tenementes of J. L. on the East parte.
And the sayde person hath a crosse lyenge be-
twene the sayd northfelde and the said church
yarde on the southe parte. And the sayde syte
and crosse conteyneth tenne perches on the
southe syde, and .xiiii. perches on the north
syde, and .xxx. perches in lengthe on the East
syde, and .xvi. perches and a halfe on the west
syde. And the mancion place, and the howses
therunto belongynge, be nowe ruinous, and
one sy: S. B. is nowe person there, and hadde
it of the gyfte of the loyde, to whome the gift
belongeth euerie thyrde tyme, and to J. F. the
nexte tyme, and T. D. the thyrde turne, and so
as ofte as it falleth. And the sayd S. B. occu-
pieth the sayd personage hym selfe, with all
the

the glebe landes, medowes, tythes, and all o-
ther frutes, and is worthe by the yere. xx. li.
And in lyke maner of a bycarage, and than
muste ye shewe who is persone, the whiche
moste communly is a spirituall man.

C. J. B. holdeth a mese place frely of the lord
by charter, with diuers lades, medowes, and
pastures belongynge to the same. The whiche
mese place lyeth bytwene the sayde hyghe
way, and the sayde noythe felde, as is before-
sayd, and the sayde personage on the westside
and the tenement of mese place of .f. G. on the
East parte, and conteyneth. xii. perches on the
southe ende in bryde, and. xxii. perches, & foure
fote in lengthe, and. xvi. perches in bryde on
the noythe ende, and he holdeth the sayd mese,
with all that longeth therto, of the sayd lord
by homage, sealte, and. ii. s. by the yere, and
halfe a pounce of peper, & lutes of court from
thre wekes to thre wekes, & to the two greete
letes. And this he maye expresse the seruice of
the rent, if he may haue persyte knowledge by
the lordes pcedens, or by originall dedes.

C. F. G. holdeth a mese place with the appur-
tenaunce of the sayde lord at his will, or by
indenture or coppe, and it lyeth betwene the
sayde hye way, and the noythe felde, and the
foresaid mese place of .f. G. on the westside, and
the fiede called East fiede on the East side con-
teyneth. xi. perches and syxe fote in bryde, and
xviii. perches & ten fote in length, And payeth
vnto the lord at the termes there vsuels
xvi. s. lute of court, two hennes, and an her-

Turneynge.

Not, at his decess. &c.

T. B. holdeth a cotage of the lord by co-
py & standeth bytwene the said hye way on the
northe syde, and the townesfeide called the
Louthesfeide on the southe parte, and the sayde
West feide on the West syde, and a mese place
of the pyour of B. on the west syde. and it co-
teyneth by the hye way lxx perches, and at the
southe end seven perches and eyght fote, and
on either syde. xii. perches, and payeth by the
yere at the sayde termes twenty pens suppe of
court and one henne.

T. B. holdeth a mese place and a croft with the appurtenance
of the lord freely in pure almes, and it lyeth
betwene the said cotage in the holdyng of B.
on the West syde, and a mese place of the
lordes, in the holdyng of T. B. on the weste
and butteth vppon the sayde hye way on the
sayde southe feide, and conteyneth in bredthe
by the sayde hye waye lxxtene perches, and
in lengthe twentye perches, and at the southe
ende twelue perches in bredth, and payeth to
the lord halfe a pounce of pepper for all man-
ner of seruyce. &c.

T. B. holdeth a mese place of the lord by
indenture, and it lyeth betwene the sayde tenes-
mente of the pyours on the West syde, and an
other hye way that leadeth or goth fro the fore-
sayde church or psonage, vnto the town of B.
on the weste syde, and betwene the foresayde
hye way on the northe syde, and the tenement
of the lordes in the holdyng of B. A. on the
southe

Southe syde, and it conteyneth tenne perches every waye, and payeth by the yere. *ic.*
supr of courte and herpyotte. Also the sayde
C. S. holdeth of the lord an horse myne,
 nexte adioynge to his sayde mese, and the
 tenement of **H. A.** and is conteyned bothe in
 length and brede within the sayde. *x.* perches.
 wherof the lord shall fynde all the great tym-
 ber and bynge it to the myne, and the myn-
 ner shall make all the coste, both of the hous
 and the gopage geyre. And also he shall bothe
 thacke and daube at his owne coste & charge,
 and payeth for the same at the sayde termes
scz Whyllynge, two hennes at Christmas, and
 two capons at Pasche.

C. A. holdeth a tenement of the lord, and
 it lyeth bytwene the sayd horse myne on the
 north syde, and the sayde south felde on the
 south side, and butteth vpon the said hye way
 that leadeth to **H.** on the weste, and the crofte
 of the sayde pyours on the East, and contei-
 neth. *xii.* perches and *x.* fote in brede by the hye
 way, and *ix* perches in length to the said crofte
 and payeth at the termes aforesayd. *x.* s. two
 hennes at Christmas, and suite. *ic.*

C. D. holdeth a cotage of the lord at his
 wyll, and it lyeth bytwene the sayd waye that
 leadeth to **H.** on the East syde, and a crofte of
R. E. on the west syde, and a felde callyd south
 felde on the southe syde, and the tenement of
R. E. of the north, and it conteyneth in brede
 by the hye way four perches, and in length six
 perches and a halfe and payeth. *ic.*

R. E.

Burnepenge.

W. E. holdeth a tenement and a crofte called the Swan, frely by charter, and they lye bpon the corner bwtwene the sayde two hye wayes, on the north and East, and a tenement of the lordes, in the holdynge of W. C. and a medowe called west medowe on the west syde, and a cotage in the holdynge of J. D. and southe felde on the southe syde. And it conteyneth in it selfe. viii. perches square, and the crofte conteyneth. xii. perches in lengthe and syre in brede, wherein be fyue buttes, of the whiche one butte is the sayd pyoure of B. that is to say, next vnto the hedge on the west syde, excepte one, and he holdeth the saide tenement of the lord by homage, feaultie, and a spere hawke for all maner of seruyce.

W. C. holdeth a tenement of the lord, lyenge bwtwene the sayde tenement of W. E. on the East syde, and the medowe called the west medowe on the weste and South, and the sayd way that leadeth from J. vnto B. on the north syde, and conteyneth. xiii. perches in brede, & xvii. in lengthe, and payeth. x. s. of courte and herrpot. &c.

J. C. holdeth a tenement of the lord, and it lyeth bwtwene the sayde maner place on the East syde, and the west medowe on the weste syde, and the north felde on the north syde, and the sayde way that leadeth from J. to B. on the southe syde, and conteyneth by the way seven perches, and in lengthe. x. perches, & payeth at the termes accustomed. xii. s. vi. d. two hennes at Christmas, s. of courte, and herrp

herrop at his decesse, &c.

The that shal view, butte, and bounde landes of tenementes, by East west Nozthe and Southe, it is necessary that he haue a Dyall with hym, for els and the sonne myne nat, he shal nat haue perfit knowlege, which is East west Nozthe and Southe. For many tymes the landes of meadowes do nat lye alway eyn East of west nozthe of southe, but sometyme more of one part than of an other, As South East of south west, nozth East of nozth west, and some two parties of the one, and but the thyrde part of the other, as nozth nozth East, nozth nozthe west, East nozth East, and East southe East, southe southe East, and southe southe west, and west southe west, and west nozthe west. But it nedeth nat to a surueiour to take so narrowe a diuersitie, but to butte it vpon the most parte as it lyeth, and than must the diall geue hym perfyte knowelege howe it lyeth, and so muste he tytle it in his boke, as shal appere here after, & he muste stande in the myddes of the flat, whan he shal butte truly.

Howe a man shulde butte and bounde the feldes. Cap. xxi.

The nozth felde vpon Dale furlong.

The nozthe felde lyeth on the nozthe syde of the towne, and begynneth at the crosse at a furlonge, called Dale furlonge, the whiche furlonge conteineth. xxx. landes. and two heed landes, and they butte on nozthe and southe, wherof the southe endes butte vpon the halle
orchards

Durueþenge.

orcharde, and vpon the crofte of J. C. and the north endes but vpon Rpe hyll. Than to begin on the East syde next to the hye way that lea-
deth to A. the persone hath two landes, the
lozde thye landes J. B. one lande, F. G. two
landes, the lozde foure landes, the pypour two
landes, the persone one lande, R. E. two lan-
des, W. L. one lande, H. I. one lande. C. D.
two landes, the pypour thye landes, the lozde
two landes, G. H. one lande, the persone one
lande the lozde two landes nexte to the weste
syde, and the heed landes nexte to the hall or-
charde and the other heed lande is the persons
nexte rpe hyll. And if the husbandes haue per-
fyte knoweledge whiche is a rodde and which
is an halfe acre, than it were better to saye the
lozde hath an acre, conteynyng thye landes
are made in foure or fyue landes, and J. C.
halfe an acre made in two, & C. D. a rodde, in
one lande, and if it be lesse than a rodde, than
call it a butte. How be it a man may perceine &
knowe if any man make two landes of one
lande, or of one land make two landes bycause
of the certayne number of euery flatte.

¶ Wā furlong lyeth next to the same, and con-
teyneth. xxiii. lādes, & one hadlāde at the ouer
endes, & they lye East and west, & but vpo Dale
furlōge, at the nether endes, & on the southside
next the psons crofte. The pson hath. iii. lan-
des, the pypour. i. lande, J. C. ii. landes, the lozde
ii. landes, J. B. ii. landes, C. D. ii. landes,
H. I. one lande, G. H. one lande, F. G. one
lande, R. E. thye lādes, the pypour two landes,
P. Q.

P. Q. one lande, the lord hath the hadlandes.

Wherchyll furlonge lyeth nexte to the same hadlandes, and it conteyneth. xxxvi. landes, and thre gores fother oꝝ pyke, and they bee all one thyng, and be called so, bycause they bee brode in the one ende, and sharpe pyke in the other ende, and they be alway shorter than the other lande, and they butte vpon the saide had lande of the land at the west ende, & vpon depe syde at the East ende, and to begyn at the north west syde of the said flatte. **H. L.** ii. landes, **E. S.** ii. landes **G. H.** i. lande, the lord six landes, **J. C.** ii. landes, the person thre landes, **w. L.** ii. landes & one pyke, the pyfour ii. lādes & i. pyke, **f. G.** ii. landes & i. pyke, the lord. iii. lādes, **R. F.** iii. lādes, **E. S.** ii. lādes, **G. H.** ii. lādes, & the lord. iii. lādes next to the southe side.

Than tourne ageyne to Rye hille, that conteyneth. xxxvi. landes & two pykes, & butte vpo Dale furlonge on the south endes, & vpon longe medowe vpo the north west endes. **T**han on the south East syde next to the way, that leadeth to **A.** the pyfour hath to lādes, **G. H.** i. lāde, the pson. ii. lādes, **J. B.** ii. lādes, **f. G.** ii. landes, the lord. iii. lādes, & ii. pykes, **w. L.** ii. lādes, **R. F.** iii. lādes, **E. S.** ii. landes, **P. Q.** ii. landes, **H. L.** ii. lādes, the lord. iii. landes nexte to the balke, that the windmil standeth vpon.

P. Q. the whiche holdeth a cotage of the lord, holdeth also the sayd windemylne, wher vnto all the lordes tenauntes are bounde to grynde all theyꝝ corne and maulte, that they occuppe of theyꝝ owne, at the sayde mylne, as well

Turnepenge.

Well free tenants as other, and the lord shall fynde all maner of tymber and yron worke, boud and nayles, & bypge them to the mylne, & the mylner shall naye vp the bourdes, make his waste and the sayle yardes, vpholde and reparell the spindell and the rynde, the mylne pykes and the sayle clothes cogge and ronge, at his owne proper coste and charge, and shall pay by the yere. xx. s. at the termes there vsuall, and to grynde the lordes coyne & malte tolle free, and to grynde it fyrste nexte to the coyne that is in the hopper, if any be. xx.

On the other syde of the wynde mylne balke lyeth a flatte called Peple hille, and it conteyneth. liii. landes, and foure pykes, and one hadlande, of the whiche landes there be syxe of them, that breke or cut in the myddes of the lades, as shall appere by the boundynge. And the sayd flatte lyeth betwene the commen pasture, called the balke on the south East, and the foresayd medowe, called the longe medowe vpon the northe weste, and nexte vnto the foresayd balke, **J. C.** hath thre landes, the lord syxe landes and a pyke, the person foure landes and a pyke, **J. B.** foure landes, **F. G.** two landes and a pyke, **w. L.** thre landes, **R. E.** two landes, at the vpper ende nexte to the hadlande, **P. Q.** the nether endes of the landes nexte to the longe medowe, **T. S.** foure landes, **H. I.** thre landes at the head, and **J. C.** the nether endes of the same, the pishour. v. landes, the lord eyghte landes, **J. B.** thre landes, **G. H.** two landes and a pyke, **J. G.**

F. G. one lande at the heed, **H. A.** two landes; buttynge vpon the same, one lande, and vpon the medowe, the persone thre landes nexte to the northe East syde, and the pyour hath the hadlande at the heade. And this mee seemeth shulde be sufficiente instruction for buttynge and boundynge of all the fyeldes one after another. .ic.

Howe a man shulde butte and bounde the medowes. .Cap. xxii.

The longe medowe belongynge to the towneshyppe of Dale.

The longe medowe lyeth vpon the northe syde of the northeselde, betwene the sayd selde and the broke, that departeth the towneshyppe of Dale, and the towneshyppe of Dale, and the weste endes butteth vpon the way that leadeth to A. and the East ende of the same medowe vpon a close of the sayde lordes, called the parke close, and conteyneth. L. xxii. acres, this medowe lyeth in dyuers shotes of length, somtyme in two shotes of length, somtyme in one, and somtyme in thre. Than to begyn at the west syde nexte to the waye that gothe to A. on the ouer shotte, the lord hath the foure acres, **J. L. two acres and a halfe, the persone thre acres, **J. B.** two acres & a halfe **F. G.** thre acres, the pyour foure acres, the lord. viii. acres. And on the nether shot nexte vnto the broke nexte vnto the sayde hye way. **F. G.** two acres, the pyour four acres. **G. H.**
 G halfe**

Suruepence.

halfe an acre, w. L. two acres and a halfe, R. £ . syx acres, the lord vii. acres. Than to the longe dolez that butte fro the sayde north felde to the sayd broke, T. S. four acres, the person thre acres, J. L. an acre and a halfe, J. B. an acre and a halfe, the lord syx acres, P. D. thre acres, H. L. thre acres. And at the nether ende of the sayd thre acres, J. B. lord of Hale hath attached the weyre of his mylne of Hale for the which attachement the sayd J. B. payeth to the lord of Dale, & to his heyres euer yere. ii. s. at the feaste of saint Myghell that cangell for all maner of seruice. &c. Than to the ouer Mot next the sayd felde, G. B. an acre and a rodde, w. L. thre rodde, R. £ . an halfe acre, the lord two acres, the person halfe an acre, P. D. halfe an acre, the pyour two acres and a halfe, J. L. two acres, the lord foure acres, T. S. two acres next to the parke close. Than to the myddell Motte nexte to the longe dolez, F. G. an acre, the person thre acres, J. B. two acres, the lord foure acres, H. L. two acres, the pyour foure acres next to the sayde parke close. Than to the nethermoste Motte nexte the broke on the syde nexte to the longe doles, the person two acres, R. £ . thre acres, the lord foure acres and a halfe, G. B. demi acre, the pyour two acres, w. L. two acres & a demi, J. L. demi acre, T. S. two acres, J. B. two acres in the corner nexte to the sayde parke close, and butteth vpon the sayde broke. And if there be any mo medowes, than butte and bounde theryn in lyke maner, for the mo medowes

medowes there be, and the fewer Mottes, the better may they be bounded. for medowes go moste commonly by acres, halfe acres, and rodde, and they ought to be well staked betwene every mannes doole, and specially well stoned with great stones betwene, and set on a great hepyght, that they synke not farre into the erthe, for the propertie of a stone is to dyscende downwarde, and the property of erth to ascende upwarde. Therefore they wold be taken hede vnto betyme, and amended whan nede is. And this me semeth sufficient. &c.

Chowe a man shulde butte and bound his pastures. Cap. xxiii.

The pastures belongynge to the same towne.

The lord hath a close called parke close, and it conteyneth. xxx. acres, and it lyeth bytwene the sayde medowe, called longe medowe, on the weste parte, and a close of xii. personnes called Oxheye on the East parte, and the sayde brooke on the Nothe parte, and a fiede called East fiede on the Southe parte, and it is worthe by the yere, twenty myllynge. &c.

The person hath a close nexte to the same called Oxheye, and it conteyneth. x. acres, and lyeth bytwene the parke close on the weste parte, and a close of J. B. on the East syde, and the sayd brooke on the notheeste parte, and

Ell a fiede

Surueyenge.

a felde callyd **Castfelde** on the west parte. I do not value it, bycause it is nat the lordes, the quantitie of the acres therein is sufficiente. &c.

The sayde **J. B.** holdeth a lytel croft frely, belongynge to the tenement, called **rye crofte**, and conteyneth two acres, and lyeth betwene the sayde persons close on the weste syde, and the lane that goeth towarde **B.** on the southe East syde, and butteth vpon the hye way that cometh from **H.** to the sayde towne of **Sale** on the northe East syde, and the said East feld on the west parte, I set it at no value, bycause he is a freeholder, & runneth in the chiefe rentes of his howse, but and it be gyuen to the freeholder by any other dede, thanne muste the surueyours expresse the chiefe rente thereof by it selfe. And it is the mooste specyall poynte of a surueyours, fyrste to adiewe, butte and bounde, bothe the towne and the hole lordship or euer he desyre to see or loke vppon any curyence of any freeholders. For this fyrste done, the Surueyours maye than perspytely knowe, whether the freeholder shewe his euidence for all his land or nat, and let the surueyours haue good remembraunce, what parcels of landes be conteyned in the sayd euidence. And than may he welle perceyue, whether he shewe for all or nat. And yf the dedes be shewed fyrste, the ternaunte may saye there is for all his land, and the Surueyours can not controlle hym, nor say nay. &c.

J. G. holdeth a crofte of the lord, lyenge
nexte

nexte on the other syde of the sayd lane called
Gose crofte, and conteyneth two acres and a
halfe, and butteth vpon the sayde hye way on
the north West syde, and the sayde West felde
on the west parte &c. And thus ye may perceiue,
butte, and bounde all the croftes, closes, and
pastures about the towne: within the lordes
shyppe, whose so euer they be. And to expresse
euerye hye waye, or crosse common balke, or
marle pyt, where they lye, the whiche shalbe a
greate redynesse many yerres hereafter. And yf
there be any comen pastures, where hearde-
men kepe theyr cattell, or any common wod-
des, mores, heythes, or suche other, they may
nat be forgotten to be buttet and bounded,
as they lye. &c.

Chowe a man shuld amende errable
lande. Cap. xxiii.

It is conuenient, that a husbande keepe
his errable lande, lyeng round, that it be nat
to hygh in the rygge, nor to lowe in the myddes
of the sides, nor to hy a lytel fro the raine,
for than will the water stande in the sydes of
the landes and drowne the coyne, and though
there be coyne, yet it weareth the grounde
and maketh it leane: For standynge water
dystroyeth grasse, and therfore it must nedes
dystroy corne, the whiche is muche moze ten-
dier than the grasse. And if it so be than take
thy ploughe, and begyn to plowe a forowe in
the myddes of the syde of the lande, and cast it
downe

Surryenge.

downe, as yf thoue shoulde salowe it, and soe
perble bothe sydes tyll the rygge be cast downe
and than take thy plough agayne, and begyn
to plowe, where thoue diddest plowe fyrste,
and rygge all the remeynaut vpwarde, and
so walt thou bothe caste thy landes, and rigge
them, and all at one plowynge, And this wyll
make the lande to be rounde, the whyche is
good bothe for coyne and grasse &c.

In other maner of mendynge of errable
lande, is to mucke it, marle it, lime it or donge
it, with the cartte or wayne, and as I sayde in
the booke of Husbandrye, to sette thy donge
vppon the fyrst surrynge, whan it is rygged.
For that is best for many causes, and if thou
lay it vpon the salowynge. than set thy mucke
heape in the rayne of the land, and than sprede
it, and all that falleth in the rygge caste it out
agayne, for els it dothe but lettell good, for
it wyll be couered with erthe, and seldome
sene agayne, &c.

In nother maner of mendynge of errable
lande, is to sette thy shepefolde vpon it, and
to flitte it euery daye, and it is better vppon
the surrynge than vpon the salowe, and the
shepe folde is better vpon the ryge ground than
vpon the whete ground. &c.

In other maner, whan a husbände hath
much errable lande, and hath no donge nor
shepe to compost nor donge his lande withall,
Than let the husbände take his ploughe, and
caste all such landes thre or foure tymes toge-
ther, & make theyr rigge there as the raine was
before

before. And yf the landes be to brode when it is so caste downe, than rygge eyther syde by it selfe, and soo make two landes of one lande, or thye landes of two landes. And so shal he fynde newe mouldre, that was not sene in an hundred yeres before, the whiche muste nedes geue more coine than the other dydde before. &c.

CHowe a man shulde amende his
medowes. Cap. xxv.

The that there be no mouldre warpes caryng in the medowes, and if there be, in Aprill let them be spread and beaten smalle. And this is the best way to spread them and make them smalle. To take a greate bough of a tree, and to plashe the bowes a brode, and laye them lowe, and yf they lye not brode ynough, than take other smalle bowes, and bynde them fast to the same, & to ley a tree or two ouerwharte the bowes; to holde them downe flatte to the erthe, and to bynde the trees to the bowes that it fall not of. And than to boore an hole with an nawger in the great boughes ende, or els to tye a rope faste to all the boughes endes together, & to fast the teme to the same, and wpyth oxen or horses, to drawe the sayde boughes bothe vp and downe and ouerthwart the sayd mouldre warpe hylles, the whiche shal sprede them better than any mannes handes can do. and that shal refreshe the grasse, and make the medowes muche better.

Duruepence.

An other maner of mending of medowes is, yf there be any rynnynge water oꝝ lande flud, that may be set oꝝ brought to runne ouer the medowes, from the tyme that they be mowen vnto the beginnyng of May. & they wyll be muche the better, and it shall kylle, drowne, and dyue away the mouldy warpes, and fylle vp the lowe places with sandes, and make the grounde euyne and good to mowe. All maner of waters be good, so that they stande nat styll vpon the grounde. But specially that water that cometh out of a towne from euery mans myddynge oꝝ donghyll is best, and wyll make the medowes most rankest. And fro the beginnyng of May till the medowes be mowen and the hay gotten in the waters wolde be set by and rounne an other way foꝝ dyuers conspeditations. &c.

To amende and make better, dyuers maners of pastures.

It is vnto outed, that there bee dyuers maners, of pastures, as lowe ground like medow ground, ley ground, the whiche hath ben errable grounde of late, bushy grounde, the which sometyme hath ben errable grounde, bushy ground, the which was neuer errable ground, gozsyꝝ grounde, the whiche hath ben errable grounde, gozsyꝝ grounde, the whiche was neuer errable. Some grounde, heyth ground, marrys ground. chalke ground, flynty ground, chylturne grounde, and lymestone grounde.

To

To amende lowe grounde like
medowe ground.

TYe shall do by it, as I haue shewed you in
the next chapter befoze of your medowes, and
if any water stande styll and wyll nat voyde,
make a dyche. ii. or thye, as nede shall requyre,
and open the sydes of the dicke that the water
may come in to it. Conuey the water awaye
and with a ploughe make diuers fowes fro
the sayde dyche by in to the pasture, where the
water standeth, and with a carte, a wayne,
or a slepde, carpe away therth that the plough
turneth by, or els it wyll stoppe the water on
the one syde, and if the plough fowwe be to
lyttell, than make dyuers small dychesse and
open theym on both sydes, so that thou leaue
no water standyng in the pasture no tyme of
the yere. And melch kye, draught oxen, labouryng
horses and mares be most conuenient, to
go togyther in suche pastures.

Howe to amende ley grounde, the whiche
hath ben errable land of late.

Capitulo. xxvii.

TYe must take hede how the leyse lye, and
specyally that they lye not to hyghe, for and
they do, it is moze profyte to the husbände to
cast it downe agayne, and sowe it with otes
one yere, two, or thye, and to laye it lower,
and rounde in good temper, and see that noo
water stande at the landes endes, buttynge
on

Surue yenge.

on the heed landes, and if it soo doo, thanne
with a ploughc caste a forowe towarde the
heedlandes, and than the water wpll folowe
that forowe, and make the landes dype. But
that forowe wpll nat serue paste one or two
yeres, but it must be renewed. And if it waxe
moosse in wynter, than wolde it be plowed
agayne and sown with dyuers cornes, as
the grounde requireth. And at the fyrste plo-
wyng it wolde be plowed a square forowe,
as depe as it is bryde, and layde flatte, and
sown with otes, that the mosse maye roote,
and than to lye fallowe one yere, and than to
be sown with wheate, etc, or barley, as the
husbande thynketh mooste conuenient. And
if it shulde lye fallowe the fyrste yere, the mosse
wpll not rotte, and at winter it wpll be wete,
and drowne all the wheate and eye, that it
toucheth. And if a man haue plentye of suche
pasture, that wpll be moosse euery thyrde yere,
lette hym breake vp a newe piece of grounde,
and plowe it and sowe it (as I haue sayde
before) and he shall haue plenty of corne with
lyttell dongynge, and sow it no longer than it
wpll beare plentye of corne, withoute donge,
and it wpll beare muche better grasse .x. or .xii.
yere after. And if the leysse be to bryde, than
make two landes of one lande (as I haue
sayde before) And shepe ar the mooste conueni-
ent cattell that may go on suche pasture, and
beste they wpll amende the grasse, and to take
good hede that ye suffer nouthur byers, nor
blacke thornes, nor none other maner of bus-

shes

Ques to growe in your pastures, and specially
by the hedges. &c.

Howe to amende bushy ground and mossy,
that hath ben errable lande of olde
tyme Capitulo xxvii.

There is none other remedy, but to stocke
and gette vp the bushes by the rootes, and the
lande plowed and sowed (as I haue sayde be-
fore) the rest grounde if it be dry, wyl bring
much coine, for the mosse wyl rotte, and the
moll hyllokes wyl amende the grounde well.
And yf there be any marle pyttes, that haue
be made of olde tyme within the same close,
than whan the landes begyn to weare, yf he
haue not sufficiente of suche bushy and mossy
grounde to breake vp and sowe, than there
wolde be newe marle pyttes made, and the
landes newe marled, the which is much better
than outhere donge, mucke, or lyme, for it wyl
laste twenty yeres togyther, yf it bee welle
done, and shall be the better while it is lande.
And I meruaile greatly, that in the common
feldes, wher: of olde tyme hath ben made
many great marlepyttes, the which hath done
much good to the landes, that now a dayes
no mā doth occupie them, ne make none other
and they nede not to doute, but there is marle
nowe aswell as was than, but as me semeth
there be two causes why, one is the tenantes
be so doutefull of theyr lande lordes, that yf
they shulde marle and make theyr holdynges
much

Surueynge.

much better, they feare lest they shuld be put out, or make a great fyne, or els to paye more rent. And if a lord so do, me semeth he is unreasonable, seyng that it was done all at the costes of his tenaunte, and nat at his. The seconde cause, is that men be disposed to ydelnesse, and wyl nat labour, as they haue done in tymes past, but passe forth the tyme as his father dyd before hym; but yet me semeth a freeholder shulde nat be of that condicton, for he is in a suretie, his chiefe lord can not putte hym out doyng his duety. And he knowethe well, he shal take the profyte while he lyueth, and his heires after hym, a courage to improve his owne, the whiche is as good as and he had purchased as much as the improveunte cometh to. And one man this doyng, wolde giue other men a courage and a good example to folowe the same. And all other countrees may take ensample at Chestershyre & Lancastershyre, for many of theym that haue so doone, haue made the improveunte as good as the lande was before. &c.

How a man shulde amende bulthy ground, that was neuer crtable lande. Cap. xxix.

We muste consyder what the grounde is disposed vnto, and whether it be dyke or weate, or be disposed to beare woode, grasse, or corne. If it be dyke and full of grauell, it is better to beare woode, than outhere corne or grasse. If it be weate grounde, it is nat good for corne :
but

but it will beare bothe woode and grasse, But
and if it be a blacke erthe and drye, it is good for
coyne, and it wyl quite the cosse to stocke it vp
by the rotes, and to sowe it with coyne. And
if it be white cley, it is mosse commonly a weat
grounde, and than it is nat good for coyne,
but it wyl beare bothe wood and grasse: and
an acre of wod is as good as an acre of coyne
grounde, or of grasse: & in some place much bet-
ter. And if he wyl increase the said bushy ground
and to make more woode: than betwene My-
ghelmas & Martilmas, ye muste gather many
akehoines, & put the in erthe pottes, for those
will kepe the moist, & in February & March set
the sayd akehoines in the said bushes, as thicke
as ye wyl, & vndouted they wyl growe. And
also ye may gette the keys of ashes, nuttes,
and suche other, and set them in lyke maner, &
to kepe all maner of cattell that wyl eate any
woode out of the same grounde tyll it be past
daunger of cattell. &c.

**Howe to amende woode grounde that
lyeth in seuerall pasture.**

Cap. xxx.

If they be great olde trees, if ye fell them
by the erthe, there wyl neuer come any spryng
of them vp agayne, excepte they haue manye
small pumplies and sprynges aboute the rotes.
And therfore suche olde trees wolde be butte
lopped and cropped, to beare more woode still,
and if it be a good grounde to beare coyne, &
be but

Sturuepence.

be but a few trees than it were best to stocke them vp by the rotes, and to plowe it and sowe it. And if it be but yonge woode, ye maye chose whether ye wyl shede it, loppe it, or croppe it, or fell it by the erthe. And if ye fell it by the erthe, and hepe the spryng well, ye shall haue for euery tree two or thre trees, so that it be felde at a betwe season of the yere, & that is betwene Candemas and May, whers of I haue spoken sufficiently ynoughe in the boke of husbandry.

Howe to amende gozly grounde that hath ben errable lande. Cap. xxxi.

Ye shall vnderstande that there be two maner of gozse, and some men call them fyse. One maner wyl growe on drie grounde, and that maner wyl growe as hyghe as a manne, and haue a great stalke as much as a walking staffe, and yf ye will suffer them to growe and fell them nat, by processe of tyme whan best is go amonge them, and specially in wynter tyme for colde, & in somer for shade, that wyl cause them to dye. And many tymes and longe continual froste in winter wyl kyll these maner of gozse: and whan they be deed, yf they plow the lande agayne and sowe it with cozne, whā it lyeth ley agayne, the gozse wyl growe agayn. And the best remedy for growing again, is to put vpon suche maner of pasture manye shepe to eat it bare, but in many places theye set great stoz by those maner of gozse, and specially

Specially for they; fewel: and wolde nat gyue
an acre of gozlye lande for two acres of erra-
ble lande. And on that maner of gozlye lande
wolde grow good cozne with lyttell dong, and
it is moze profyte to plowe it and sowe it than
to lye ley, except he hepe it for his fewel, and
they growe most cōmenly vpon dye grounde,
somwhat sandy or grauelly, and shepe is the
mooste conuenient cattell that maye go vppon
suche pasture.

CHowe to amende gozlye lande, that
was neuer errable lande.

Cap. xxxii.

If the grounde be dye and growe full of
such maner of gozse with the great stalkes, ye
be at your lybertie to do as I haue sayde, and
yf it be of the other maner of gozse or fylse,
the whiche growe lowe by the erthe, and haue
butte littell small stalkes, that maner of gozse
groweth alwaye on well spyng grounde, som-
what moyste and weate, and it wyll neuer
beare good cozne, but hewe it vp to bake and
bryewe withall, for it will nat lpghtely bee dy-
stroyed, for if it be bryende, it wyll growe a-
gayne. But and there be marle vnderneath in
the grounde within the same close, yf ye make
coste, than bren the gozse at Marche, & with
a bygge and many oxen, plowe it and make
small landes, and than marle them and sowe
them with ootes, for that cozne wyll growe
best on such ground. And if this wil nat serue

it is

Surueynge.

it is paste remedy, for marle mendeeth all manner of grounde but it is costly. &c.

Howe to amende brome ground.

Cap. xxxii.

Brome groweth alwaye vppon dye and sandy grounde, and it wyll beare good rye and otes, butte it wyll not endure to beare coyne longe, without it be donged with a carte or with the shepe fold, or bothe. And if ye let it lye ley & plow it nat, the brome will come agayn, & shepe is the best cattell to holde it vnder, but neuerthelesse it will growe. whā it is growē of a yarde of heyghte or more, that it is good to bake & brewē with, & specially whā a howse is thacked to take the brome & make it in qrters of a yarde long or there about, and prycke them in to the thacke bi and bi, and couer the thacke clene ouer, and it shall bothe kepe out weate, and also saue it frome pullynge downe with crows pyes dawes or chowghes. And yf ye wolde distroy it whan it is growen thre or foure fote of heyght, than about saint James day fell it a fote a boue the erthe or more, and than the stalks will dye for a good season, but yf it be plowed agayne, it wyll growe as fast as euer it dyd, whan ye leaue plowynge.

Howe to amende hepyth grounde.

Cap. xxxiii.

Ye shal vnderstande that there be foure maners

ners of heith grounde. s. heith growing vpon
grauell, and heith growing vpon sande, these
two maner of heyth groundes wll beare no
roine without muche donge or muche, for sel-
dome is there any marle vnder that maner of
heyth. And in many countreys where plenty
of lyme stone is, the husbandes do byenne the
lyme stones with wodde and sercole, & make
lyme thereof, and do set it vpon theyr landes
as they do theyr donge, and do spede it in like
maner, the whiche they call muche better than
dong, for lyme is hote of him selfe. The other
two maners of heyth is, heyth growyng vpon
whyte cley grounde, and heith growing vpon
blacke erthe, that lyeth lowe lyke marres
grounde, and vnderneath these two maner of
heyth groundes, there lyeth mooste commonly
marle. Than byenne the heith & serche for the
marle, and dygge it vp and lay it thicke vpon
the ground, and spede it, and than plow it and
sowe it, and it is muche better than outhere
lyme, muche, or any maner of dunge, & longer
it wll laste, and se that there be no water stan-
dyng vpon the sayde grounde. &c.

CHowe to amende marres grounde.

Capitulo. xxxv.

There is none other remedy, but fyrste to
drye the water cleane away. And this is a
good meane to drye the water cleane awaye.
Fyrste in the loweste close, where the water
may be beste auoyded, make a great dyche and
a depe

Surueynge.

a dyke that the water may auoyde. And yf all the water wyl not come to that greate dyche but stande still in dyuers places, than make many smalle dyches one into an nother, frome the sayde standynge waters, so that all these standynge waters maye come into the greate dyche, and that by reason shoulde drye the water clene. And in a dyke somer ye may make many byde and depe dyches, and seuer the marrys in dyuers pastures, and make bydges ouer the dyches into euery close, and dyuers lanes made lyke a causey to conuey the cattell into the pastures, soo that one causey or lane, may serue the closes or pastures on bothe sydes. And in the loweste place of euery close or pasture, make a trenche or a lyttell dyche into the greate dyche that gothe aboute. And this shall ye make by processe good pastures of marrys grounde, and euer the longer the better pastures: and specially, yf ye putte in so much cattell, it shall make the better grasse and the fynr. And melche hys, draughte oxen, and labourynge horses is the beste cattell to make good pasture and marrys grounde, and sheepe on dyke grounde, for they wylle eate the grounde moste bareste, and that causeth the grasse to be good and fyne. And yf this maner of dychynge wyl nat make the marreis grounde drye, than muste you make a foughe vnder the the erthe, as men doo to gette cole, yron, stone, leade, or tynne. And yf that wyl nat sarue, than kepe out your cattell for feare of drowynge. &c.

How

Chowe to amende brome grounde
and fenne grounde.

Cap. xxxvi.

CBrome grounde, and fenne grounde, bee
much of one nature, for they growe on sande
dye and dye grounde. And they wyl beare
good rye, barley, bygge, or beye, and ootes
yf they be donged with shepe, catt, or wayne.
For suche lyght grounde wyl sone weare and
washe with water, yf it be nat donged. And
yf they lye unplowed they wyl growe full of
brome and fenne, and yf ye wylle dystroie the
brome whan it is growen thre or foure foote
hye, In Midsummer moone, or soone after,
whan it is full blommed, with a hedgyng byll
cut the stalkes halfe a yerde aboue the erthe, so
that ye leaue no grene stalke growynge vppon
the rote, and that will cause it to dye. But yf
ye plowe it agayne, and after let it lye, it wyl
growe agayne, and if ye mowe fenne whan
it is yonge, so that it be mowen befoze Myd-
summer, by vse of suche mowynge, it wylle
weare away.

COf chylturne grounde flyntye grounde and
chalke grounde. Cap. xxxvii.

Chylturne grounde and flyntye grounde
be lyght groundes and dye, and full of small
stones, and chalke grounde is much of the
same nature, and they wyl weare and washe
a waye wpth water. And therefore they wolde

¶ ii

be

Sturpege.

be donged, as the brome and ferny groundes be, for marle is seldome founde in these maner of groundes. And therfore if ye wante shepe and donge, they wolde lye ley and reste theym that they may mende with lyege.

¶ Of lyme stone ground. Ca. xxxviii.

Lyme stone ground is veray good, bothe for coyne and grasse, and yet in some places there will muche heith growe vpon lyme stone ground, and that is longe of yll husbandrye. For and that heyth were bynened, plowed and sowed the fyrste yere with otes, and than fallowed and sowed with whete, rye, and barley and after with beanes or pease, it wylle beare muche coyne with lyttell dounge, and shall beare alway after, the better grasse. And shepe is the beste cattell that can go vpon any of these syxe maner of groundes, and beste they wylle amende the grasse, and kepe them selfe from rottyng. And he that hath lyme stone, may byenne it with colc and wodde and make lyme, wherewith he may lyme his ground, and that wylle bynge good coyne, or he may sell his lyme at his pleasure.

¶ What profytes may come or growe to the lord by reason of his waters. Cap. xxxix.

Fyrste ye shall vnderstande, that there be dyuers maners of waters: that is to say, stans
dyng

dyngge waters, as pooles, meyes, mootes, and
stewes. And also runnyngge waters, as greate
ryuers, smalle ryuers, brokes, laches, wel-
sprynges, and pyttes: than what profyt may
come to the lord of them. The lord may sette
the fpyshynges of all these sayde waters to his
tenantes for certayne rent, & he may reserue to
hym selfe certayne fpysh, or to fpysh certayne
tymes, or at any tyme at his pleasure.

The maner to make dyuers maners of
mylnes. Capitulo. xl.

Also vpon these waters, the lord maye
sette dyuers maner of mylnes, the whiche may
be to the lordes great ease and profyt. As vpon
the great ryuers, cozne mylnes that be called
grounde mylnes, and they bee called grounde
mylnes, because the ouersyde of the heed syl-
lyeth euen leuel with the ouerside of the ground
in the bottom of the water. And also fullynge
mylnes, otherwyle called walkemylnes, maye
be made in lyke maner, and stande also vpon
the great ryuers. And than one wheele is able
to dryue.ii. stocks, that is to say, bothe a po-
tyere & a faller, the faller bothe to scour & here
ly, and the poityere to thyeke the clothe. And co-
monly these mylnes be not set vpon the greate
stremes of the great ryuers, but a greate parte
of water is conueyed out of the greate streame
by a mylne sleme made with mans hande to a
certayne place, where wylmen thynke the
mylne moste conuenient to be set, and the said
water

Durneyenge.

Water to be holden vp and brought to the sayd mylne, by reason and setting of a weyre ouer thwarfe the sayde streame, made of trouse, tymber, or stone, or of bothe. And whan it is past the mylne with a sufficient fall of the water, that the mylne stande nat in backe water, to retorne into the ryuer ageyne. And in many places the said mylnes be set on the one syde of the great ryuer, and a weyre made of tymber and stone to holde vp the water to the mylne, the whiche is a great cost, and many tymes it will stande in lacke of water that it may not welle go at a greate flode, except the ground warke be made very hie. But they be profitable both in greynyng of coyne and fullnyng of clothe, and in takyng of muche fysh. And in lyke maner these sayde two maner of mylnes may be sette vpon small ryuers, without any fleine castyng, but alconely his weyre, to holde vp the water, and his flodde gates, to lette it go at a flode, whan nede shall requyre. Also there be two maner of coyne mylnes, that is to saye, a breste mylne, & an ouershot mylne, and those two maner of mylnes be set and go most commonly vppon smalle brokes and vpon greatte pooles and meynes. And they haue alwaye a brode bowe a foote brode & moze, & the labels be alwaye shrouded with copast boxes on both sydes to holde in the water, and than they be called buckettes. And they must be sette muche nerer togyder than the labels be. and muche moze a sloop downewarde, to holde muche water that if it fall not oute, for a dyurth the wheele

Whele as well with the weyghte of the water as with the strengthe. And the mylner muste drawe his water accordynge to his buckettes, that they may be alway full and no more, for the longer that they holde the water the better they be. And also other maner of fullynge mylnes, may be set & go vpon the sayde small brookes, pooles, or meyes, and those be called fallers, for a faller by hym selfe requireth nat so greate strengthe of water as the potter doth, bycause the water cometh moste comunly ouer the whele, and the braces do but heaue vp the two scets, that fall into the stroke vppon the clothe, the whiche causeth the clothe to thicke and tourne. Also these mylnes that be set and go on small waters, may go and runne with a gogyn of yron vpon bulder stones or vppon brasse as a bell dothe, for that wyll goo moste lyghtest. But these mylnes that go vpon these greate ryuers, that be brode, heuy, & weyghtie muste nedes haue two greate thicke hopes of yron foure inches brode, and an inche thicke: and cyght or nyne inches betwene the spdes, set on both endes of the Masse, for the gogyn of yron wyll not beare them, and specially the fullynge mylne. And that mylne that gothe with a gogyn, yet muste it haue en eyther ende of the Masse a hope of yron and bulders vnder, and if the gogyn fayle or waxe lose, but it shall nat touche them bothe at ones. And let the mylner take good hede bothe to the gogins and hopes that they be not lose, for than will the Masse endes byenne of. For than he hur-

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teeth his lozde, his mayster, or hym selfe, for
mylne shaftes be costely. But in so muche as
there is is great profit to the lozdes in makynge
of these mylnes, and the mooste rent is raysed
vpon so lyttell grounde, and ofte tymes for
wante of the sede of discretton and experyence
of good makynge, ther be many defautes made
in them, and specially in makynge of the mylne
trough, where the mylne whele goth, for ofte
tymes they make it to holowe and depe vnder
the whele, that the water standeth therein, whan
the mylne goth not, for the tayle spylle wolde lye
bare and drye, whan the mylne goth not. And
the tayll spylle wolde lye .xx. inches, or .xxiii. vn-
der the heed spylle, and the troughe wolde nat
passe .iii. ynches holowe at the mooste, & as long
as it may receyue thre ladles, the fourthe la-
dell entrynge the water, and the fyfte ladelle
leauynge the water. And the strake spylles both
aboue and vnder wolde be of a good lengthe,
soo that the whele come not to nyghe vnto the
draught gate by two fote or moze, for the fur-
ther fro the gate, the bygger and the swyfter
is the streame. And the longer that the ladell is
the better it is, so that it haue sufficiēt water.
And than the mylner nedeth not to digwe by
his gate soo hyghe, as if the ladell be shorte,
for the ebber the water is, the swyfter it is.
And a double bowed whele is muche better
than a synple bowed whele for many causes,
if there be sufficient water, and better it wylle
kepe the ladels from losynge. The ladell mooste
comonly of a double bowed whele, wolde be
thre

the fote longe and a fote brode, and to draue
 by his draughte gate nyne or tenne inches is
 sufficient. And than shall nat the bowe of the
 whele be hydde nor couered in the water, and
 than it gothe swyftely. And vpon the greates
 ruers the laddes maye be an cline longe, but
 for the weyght & drawinge by of the draughte
 gate. &c. The greater compasse the whele is,
 the lesse water will dryue it, but it wyll nat go
 so ofte about as a lyttell whele wyll do. But
 the cogge whele in a coine mylne, is a greates
 helper, if it be well pycked, well cogged, and
 well roned, syre rones and. xlviii. cogges,
 are beste for a great ruer. For than the milne
 stone goth eyght tymes about, and the water
 whele but ones, and euery rone kepeth his
 owne cogge, et contra: and changeth nat on
 any syde. And for a meane water syre rones
 and. xlii. cogges is best. And for the ouerhot
 mylne syre rones and. xxxvi. cogges is beste.
 For the cogge whele may nat be of so greates
 compasse as the other cogge wheelcs be. And
 in all these pyckes, euery cogge kepeth his
 owne rone. And yf ye putte in any whele a
 cogge or two cogges, mo or lesse: than as I
 haue sayde, shall euery cogge chaunge his
 rone at all tymes, so that it be nat very tru-
 ly pycked it wyll nat go well, and if it fortune
 to bryke a cogge, as it is lyke to do, hit wyll
 thanne bryake many of them, excepte he shote
 downe his draught gate shortly, and lyke wise
 a wyndmylne. Howe be it a wyndmylne hath
 neuer vnder. xlviii. cogges or. liii. &c. but they
 muste

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musste be so pycked, that euery cogge kepe his owne ronge, and seuen ronges are nat profytable for they go lately. Of horse mylnes I do nat speake of the makynge, for I haue nat the experience of them, as I haue of water mylnes.

¶ Also the lordes and theyr tenants haue an other maner of profyt by reason of these waters, ouer and besyde these maner of mylnes or fyllmynges, and that is by reason of the watrynge of theyr cattayll and beaustis bothe wynter and sommer, and specially of the rynnynge waters, as ryuers, brookes, luttches, as wellspynge. for theyr done seldome frese or neuer, and theyr wyl be colde in sommer and warme in wynter, and yf a close wante water it hath a great meame and is muche the worse.

¶ Furthermoze it is couenient for a surueyor that whan he hath surueied his lordes landes, and sene what profytes and approwementes may ryse and be made within the same, that he shewe his lord thereof and aduise hym to do it, and to make the coste. For it is vndoubted, that a man can not make no surer purchase of any maner of lande, better tyttell nor lyghter coste, nor moze aduauntage to hym selfe, than to improwe, amende, & make better, his owne owlde inherytaunce. I meane nat by the heyghtryng, or reysynge, or increasyng of the rentes of theyr tenauntes, but all onely in mendynge & makynge better his crable landes, meadowes, leyle, & pastures, & in makynge of water mylnes, windmylnes, horse milnes

nes, fullyng mylnes, sith milnes, cutler milnes
be it by water or draughte of horses, smethe
mylnes, or siche other. And also of getting of
all maner of p[ro]fytes, as well vnder the erth
as about (as befo[re] is rememb[er]ed) in the Cyte
chapiter.

And by the reason of these improvmentes
me semeth a man myghte make euery towne-
shyppe that standeth in the playne champion
countree occupied in tyllage halfe as good
agayne in all maner of p[ro]fytes to the tenan-
tes as it was befo[re], if the lordes thereof and
their tenants can agre of the costes that shuld
be made thereof. And neuer a house nor cotage
to be decayed nor lette downe, and to haue as
much lande in tyllage and plowynge as there
was befo[re], and they[re] corne and grasse shulde
be better saued and kepte from distropenge.

Howe to make a township that is
wo[orth].xx.markes a yere wo[orth]
xx.li. a yere. Cap. xli.

It is vndouted that to euery towneshyppe
that standeth in tyllage in the playne coun-
treie, there be crable landes to plowe and
sowe, and leysse to tye or tedder they[re] horses
and mares vpon, and commen pasture to kepe
and pasture they[re] cattell, bestes, and shepe vpo
And also they haue medowe grounde to gette
they[re] hey vpon. Than to let it be knowen how
many acres of crable lande euery man hath
in tyllage, and of the same acres in euery felde
to

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to chaunge with his neighbours, and to lepe them togyther, and to make hym one seuerall close in euery fælde, for his errable landes and his lepe in euery fælde, to lepe them togyther in one fælde, & to make one seuerall close for them all. And also a nother seuerall close for his porcion of his common pasture, and also his porcion of his medowe in a seuerall close by it selfe, and all kept in seuerall both in winter and sommer, & euery cotage shall haue his porcion assygned hym accordynge to his rente, and than shall nat the ryche man ouerpyesse the poore man with his cattell, & euery man may eate his owne close at his pleasure. And vndouted, that hay and straw that wil fynde one beest in the house wyl fynde two beestes in the close, and better they shall like. For those beastes in the house haue mozte heer and thynne, and towarde Marche they wyl pylle and be bare. And therfore they may nat abyde in the fælde byfore the heerdmen in winter tyme for colde. And those that lye in a close vnder a hedge haue longe heare and thycke, and they wyl neuer pylle nor be bare, and by this reason the husbände maye kepe twyse so many cattell as he dyd before.

[This is the cause of this approwement. Nowe euery husbände hath fyve seuerall closes, wherof. iii. be for cozne, the fourthe for his lepe, the fyfte for his common pastures, and the syxte for his haye. and in winter tyme there is but one occupied with cozne, and than hath the husbände other fyue, to occupye tyll lent

lente come, and than he hath his falowe felde,
his ley felde, and his pasture felde all sommer.
And whan he hath mowen his medowe, than
he hath his medowe grounde, soo that yf he
haue any weake cattell that wold be amended,
oz dyuers maner of cattell, he may pur them in
any close he will, the whiche is a great aduan-
tage, and yf al wilde lye comen, than wolde
the edythe of the cozne feldes and the after-
mathe of all the medowes be eaten in. x. oz. xii.
dayes. And the ryche men that hath much cat-
tell, wolde haue the aduantage, and the poore
man can haue no helpe nor relesse in wynter,
whan he hath moste nede. And if an acre of
lande be worthe syxe pens oz it be enclosed, it
will be worthe. viii. pens, whan it is enclosed,
by reason of the compostyng and dungyng of
the cattell, that shall go & lye vpon it both day &
nyghte. And yf any of his thre closes that he
hath for his cozne be worne oz ware bare, than
he maye bryke and plowe vp his close that he
hadde for his leyse, oz the close that he hadde
for his comen pasture, oz bothe, and sowe
them with cozne, & let the other lye for a tyme,
and so shall he haue allway reist grounde, the
whiche will beare much cozne with littell dung,
and also he shall haue great profyte of the wod
in the hedges whan it is growen, and nat all
only these profytes & aduantages before sayd,
but he shall saue muche more than all these, for
by reason of these closes, he shall saue meate,
drynke, and wages of a shepheard, the wages
of the herdeman, and the wages of the swine
herde

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heerde, the whiche may fortune to be as charygeable in all his hole rente, and also his corne shall be better saued fro eatyng or dystroyng with cattell. For doute ye nat, but heerdmen with theyr cattell, shepeherdes with their shepe and tieng of hoxses and mares, distroyeth much corne, the which the hedges wolde saue. Whereauenture some men wolde say, that this shoulde be agaynst the comon weale, bicause the shepeherdes, herdemen, and swyncherdes, shoulde than be put out of wages. To that it may be answered, though those occupations be not vled, there be as many newe occupations that were nat vled before, As getyng of quychettes, dyching, hedgynge, & plasmyng, the which the same men may vse & occupye. Also it maye fortune men wyl say, that if all shoulde be enclosed, that there wolde be many foule lanes, as there be in Essex: but for that there maye be a prouisiō, & that is thus. where the kynges hie way is, if it be dyche grounde, stony grounde, or sandy ground, in all such places, may be lanes made of a conueniente breade, for the kynges people to passe throughe with all maner of carpage. And where it is soft ground syenge les well, that the waters may nat well passe by the dyche, at every hedge that goth ouerwharte the hie waye there to make a gate, & stone it or grauel it in that place. And than hath euery mā the hole close to ryde cary or go in, as they had before, likewise as they do at the winde gates a this cyde Choxley in Lancashire, & likewise betwene towne & towne, and as to theyr owne
Dyfte

distances to theyr closes, let them make them
for theyr owne ease as they will haue them. &c.

The moſte indifferenteste meane to make
these appoymentes, as me ſemeth is this.

All the lordes of one towne, be there neuer ſo
many, ſhulde be all of one aſſente, that theyr
tenauntes ſhulde exchaunge theyr landes one
with an other, & the ſayd exchaunge to ſtande
and endure for euer, for doute theiſn nat, but
they knowe it beſte, and euery tenaunt for his
owne aduantage will do it indyfferently, and
the curate of the ſame parſſhe for his parte,
and euery lordes bayly to be indifferent, to ſe
the closes lotted and aſſygned to euerye mans
ease, ſo that euery man maye haue one lyttell
croſte or close next to his owne houſe, if it may
be thought, he haue no lande of his owne.

This done, lette euery lord by his coppe of
courte role, or by indenture, to make a ſuffici-
ent leaſe to euery of theyr tenauntes, to haue
to hym and to his wyfe and to his chyldren,
ſo that it paſſe not thre lyues, than beyng a
lyue and named, yeldyng and payeng to their
lordes and to theyr heyres, the olde rentes and
ſeruyces, befoze due and accuſtomed durynge
thoſe thre lyues, vpon this condicion, That
they ſhall do or cauſe to be done, durynge theyr
lyues, ſufficiently to quych, ſet, dyche, hedge,
and plaſhe, whan nede is, all the ſayde closes.
and ſoo kepe theym durynge theyr lyues, the
whiche wyll be a great charge to the tenants.
But yet me ſemeth they may well do it, if they
entende to thyrue, and ſpecially do remembre
the

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the profites that may come to the afterwarde.
There is an olde sayeng. *Quod leuis est labor
cum lucro*, that is to say, That labor is light
where wyngyng foloweth, and muche of this
labour may be done by hym selfe, and his ser-
uauntes, at a conuenient tyme, so that he let
nat his husbandry. It is muche to be done in
one yere, two or thre, but and they may do it
in fyre or nyne yeres, as the fielde go aboute,
they hye them well, for it is to costely for hus-
bandes to hye it to be doone. And the lordes
me semeth, canne do no lesse, than to graunte
them these thre yeres of the olde rente, remem-
byng what profyttes they maye haue at the
ende of theyr termes, they knowe not howe
soone. For vndouted one sette day cometh at
laste, & thoughe the aduantage of the lordes
come nat anone, it will come at lengthe. And
therfore sayeth the philosopher. *Quod differ-
tur, non aufertur*, that thyng that is deferred
is nat taken awaye, and in the meane tyme the
lordes haue no maner of losse, nor yet make no
costes, but at theyr pleasure.

FINIS.



**Londini in ædibus Thomæ Bertheleti
typis impress. Cum priuilegio
ad imprimendum solum.**

ANNO. M. D. XLVI.

